



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1193 OF 2024

Gaurav Digambar Samarth

Vs.

State of Maharashtra, through Police Station Officer, Hinganghat,
District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. V. Rai, Counsel for the applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/02/2025

1. The applicant came to be arrested on 16.03.2023 in connection with Crime No.247/2023 registered under Section 307 of the Indian Penal Code.

2. The crime is registered on the basis of the report lodged by Vimal Vitthalrao Ingle mother of the injured on an allegation that the present applicant on account of the dispute prior to two days assaulted the injured, on 09.03.2023 at about 7.00 p.m. by means of axe on his head, due to which, the injured has sustained the grievous injuries, and thereafter attempted to commit his murder. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that now the investigation is already completed. The injured is already discharged from the hospital and there is no apprehension of death, as far as the injuries are concerned. Now the investigation is also completed and the trial is on the verge of its commencement. In view of that, the further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that the vital part was chosen by the present applicant to give a blow by means of axe. The medical certificate and CA reports shows the involvement of the present applicant in the alleged offence. Now the charge is also framed and the witnesses list is also placed on record. The trial is on the verge of commencement. In view of that the application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers, the involvement of the present applicant *prima facie* revealed. The injured is not only the witness to the said incident but the said incident is also witnessed by the other two eye witnesses. The injuries sustained by the injured are also grievous nature, but considering now the investigation is completed and injured is also discharged from the hospital. As far as the apprehension of death is concerned, which is not

there. Considering all these facts, the applicant has made out a case for grant of bail. In view of that, I proceed to pass following order.:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Gaurav Digambar Samarth** shall be released on bail in connection with Crime No.247/2023 registered with Police Station, Hinganghat, District Wardha for the offence punishable under Section 307 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- (iii) The applicant shall not enter into the vicinity of Sant Tukadoji Ward, Pimpalgaon Road, Hinganghat, Taluka Hinganghat, till the culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances and shall cooperate to conclude the trial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)