



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.1181 OF 2024

(Rameshwar s/o Khandu Dhok Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. K. Kalidas, Advocate for the applicant.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 31, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 12/07/2024 in connection with Crime No.345 of 2024 registered at police station Risod, District Washim for the offences punishable under Sections 109, 351(3), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by Ramprasad Narayan Khorne, alleging that the he is the agriculturist and the agricultural field of Khandu Bhikaji Dhok is adjacent to his agricultural field and the civil disputes are pending in the Court. On that count, there was a dispute on 08.07.2024 and present applicant has given a blow of axe on the head of his son due to which his son has sustained the grievous injuries. His other family members were also assaulted by the other co-accused in the said incident. On the basis of the said report, the police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as further incarceration of the applicant is concerned which is not required as injured has now recovered and discharged from the hospital. There is no apprehension of death. Though injuries sustained by the injured are grievous in nature but considering now investigation is completed and further incarceration is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application on the ground that due to the assault by the present applicant the injured Amol has sustained the grievous injuries. The injury report shows that the injuries sustained on a head is grievous in nature. Moreover, CT scan report also shows that there was linear undisplaced fracture on left high parietal bone is seen with Overlying soft tissue swelling. Hence, she prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that due to the dispute on account of the agricultural land, the alleged incident has occurred. The injury certificate shows that three injuries sustained by the injured Amol are grievous in nature. Injury No.2 i.e. CLW on scalp parietal region and CLW on forehead left temporal region are attributed to the present applicant but now investigation is completed and charge-sheet is filed.

The injured is also discharged from the hospital. Thus, at this stage, there is no apprehension that the injuries sustained by the injured would cause his death. Considering all these aspects, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Rameshwar s/o Khandu Dhok in connection with Crime No.345 of 2024 registered at police station Risod, District Washim for the offences punishable under Sections 109, 351 (3), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing PR. bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of village Chikhali, Taluka Risod, District Washim till culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses, including the victim, in any manner who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(vi) The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*