



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

CRIMINAL APPLICATION (BA) NO. 1252 OF 2024

SHRI UMESH S/O BHAGWAN PURAM

Vs.

STATE OF MAHARASHTRA

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. D. C. Chahande, Advocate for the applicant.

Ms. H. N. Prabhu, APP for Non-applicant-State.

CORAM : G.A. SANAP, J.

DATE : 21/01/2025

1. Heard.
2. This is application for bail filed by the applicant in Crime bearing No. 47 of 2024 registered with Tirode Police Station for the offence punishable under Section 307 of the Indian Penal Code r/w Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act.
3. The learned advocate for the applicant submits that the applicant is 23 years of age. He is taking education as well as working. His old aged parents are dependent on him. He has no criminal antecedents. The charge sheet is filed in crime, but the charge has not yet been framed. It is submitted that the trial may take its own time for completion. It is submitted that considering the nature of the crime alleged to have been committed by the applicant, subject to appropriate

conditions, he may be released on bail.

4. Learned APP submits that there was a motive for commission of crime. There was a land dispute between the informant and the father of the applicant. It was the contention of the applicant that the informant had withdrawn the amount of the Government Scheme deposited in the account alone. He did not pay any amount to the father of the applicant.

5. Learned APP submits that the witnesses or relatives of the applicant are residing at Tiroda in the same locality. It is submitted that if he is released on bail, then the possibility of tampering with the evidence cannot be ruled out.

6. Perused the record and proceedings. Learned Additional Sessions Judge-1, Gondia has rejected the application on the ground that the witnesses are relatives of the accused and if he is released on bail, then he may tamper with the evidence. Learned Judge has also observed that the initial assault with the sword by the applicant was aborted. However, again he came to the spot with the knife and inflicted the blows with the knife on the informant. It needs to be stated that while deciding the bail application, the merits of the matter cannot be gone into. The Court has to bear in mind the serious nature of the crime, the weapon used in the crime and the stage of the investigation and possibility of tampering with the prosecution evidence.

7. The learned advocate for the applicant would submit that if the Court is inclined to grant bail, then the Court may direct him to keep himself away from a particular area.

8. The investigation is complete. The charge sheet has been filed. There was a dispute between the informant and the father of the accused on account of receipt of payment of Government Scheme in respect of the land. It was the grievance of the applicant that informant behind the back of his father alone withdrawn the amount of the Government Scheme and did not pay it to his father or did not pay the share of his father. It is evident that the parties are relatives of each other. They are residing in the same locality. The eye-witnesses are also residing in the same locality. The applicant / accused is 23 years old student. He is working on the field. He has been remanded to the judicial custody. His detention is not necessary for custodial interrogation. The trial may take its own time for final decision.

9. In the facts and circumstances of the case, I am of the opinion that the bail application cannot be rejected. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions :

- i] Criminal application is allowed.

ii] **Applicant - Umesh s/o Bhagwan Puram** be released on bail in Crime No.47 of 2024, registered with Police Station, Tiroda, Dist. Gondia for the offence punishable under Section 307 of the Indian Penal Code r/w Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigating officer.

vi] The applicant shall keep himself out of territorial jurisdiction of entire Tiroda Taluka, till completion of trial.

vii] The applicant / accused shall regularly attend the Court on the given dates and extend fullest co-operation till disposal of the trial.

10. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)

Choulwar