



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

CRIMINAL APPLICATION (BA) NO.1308/2025

(Sagar S/o Naresh Vishwakarma Vs. The State of Maharashtra, through P.S.O., Police Station Kalamana, District Nagpur)

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

Court's or Judge's orders

Mr. C.R. Thakur, Advocate for the applicant.
Mr. V.A. Thakare, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 17.12.2025.

The applicant is arrested in Crime No.385/2025 for the offence punishable under Sections 109, 126(2) and 296 of the Bhartiya Nyaya Sanhita and Section 135 of the Maharashtra Police Act.

2. It is the case of prosecution that when injured asked the applicant as to why he is quarreling and assaulting others, the applicant has assaulted the complainant with knife. He tried to assault on his stomach but the complainant resisted and the stab was on his hand. Again the applicant tried and again complainant resisted this time stab was on his forearm.

3. The learned Advocate for the applicant has stated that the medical report shows that it was simple injury. Injured was immediately discharged from the hospital after the first aid. Even stitches were not given to him. As the injury certificate shows that it was simple injury only because earlier 21 crimes are registered against the applicant, the bail was not granted by the trial Court.

4. Learned Advocate for the applicant has relied on the judgment of the Hon'ble Apex Court in the case of Maulana Mohammed Amir

Rashadi V/s. State of Uttar Pradesh and another reported in (2012) SCC 382 wherein though the accused was involved in serious offences, bail was granted by the Hon'ble Apex Court looking to the other facts of the case.

5. In this case as the injury is simple in nature only because it was with knife the applicant cannot be put behind bars. Since about last 6 months he is in jail. Hence, prayed to release the applicant on bail.

6. Learned A.P.P. opposed the application stating that applicant is a history sheeter. In all 28 crimes are registered against this applicant. As the offences are serious and are regarding human body, and while rejecting the application the trial Court has stated about the commencement of trial, the application of the applicant may be rejected.

7. Heard both sides and perused the record.

8. The offence under Section 109 of the B.N.S is registered against this applicant. It appears from the record that 21 offences are registered which are bodily offences. The applicant was in jail and he was produced before the Court in this offence. Considering the injury certificate, the injury is simple in nature though the offence is registered under Section 109 of B.N.S., case is made out to release the applicant on bail.

i) The Criminal application is allowed.

ii) Applicant - Sagar S/o Naresh Vishwakarma be released on bail Crime No.385/2025 for the offence punishable under Sections 109, 126(2) and 296 of the Bhartiya Nyaya Sanhita and Section 135 of the Maharashtra Police Act, on furnishing P.R. Bond in the sum of

Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

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 with the learned trial Judge in the conduct of the trial.

vi) The applicant shall not enter the jurisdiction of Kalmana Police Station.

9. The Criminal Application stands disposed of accordingly.

(MRS.VRUSHALI V.JOSHI, J.)