

IN THE COURT OF DISTRICT JUDGE-1 & ASJ, GONDIA.

Sessions Trial No. 45/2020.
(CNR: MHGO01000387-2020)

State of Mah. -Vs- Rahul Nanhet+ 1

ORDER BELOW EXH.59.
(Passed on this 9th day of October, 2021)

This is an application made by applicant/accused No. 1 **Rahul s/o Ramu Nanhet** for grant of regular bail under section 439 of the Code of Criminal Procedure in Crime No. 232/2019 for the offences punishable under sections 326, 326(A) read with Section 34 of the Indian Penal Code, registered with Gangazari Police Station.

2. The prosecution case in brief is that there was love affair between informant Achal and applicant/accused No. 1 Rahul. On 18.12.2019 the informant was going to Nagpur. She came to Gangazari on van. From there she went to Bank at Mundipar. While she was going from Mundipar to Dhakani, the applicant/accused along with other accused came on Hero Honda motorcycle. When the victim/prosecutrix looked towards the applicant, he threw acid on the person of the victim. Thereafter, both accused ran away.

3. It is contended by the applicant/accused that there was love affair between the applicant and the victim. There

are discrepancies in the statement of the victim and the FIR. The applicant/accused was granted temporary bail during COVID period. Hence, application be allowed.

4. Learned APP opposed the application on the ground that there are eye witnesses to the incident and there is possibility of repetition of the offence.

5. Heard learned advocate for the applicant/accused and learned APP.

6. Learned advocate for the applicant/accused submitted that applicant/accused is engineer and looking to the circumstances, he be enlarged on bail.

7. Learned APP pressed on the seriousness of the offence and opposed the application.

8. Perused the charge-sheet.

9. Perusal of the material on record, shows that the applicant was granted temporary bail on the ground of COVID-19 on two occasions. The prosecution could not bring any material which could show that the applicant/accused breached the conditions of the bail on both the occasions. The applicant/accused was first time arrested on 19.12.2019. The other accused is already released on bail. Hence, considering all these circumstances, grant of regular bail to

the applicant/accused No. 1 can be justified by imposing conditions. Hence, I proceed to pass the following order:-

ORDER.

- 1) Application (Exh. 59) is hereby allowed.
- 2) Applicant/accused No. 1 **Rahul s/o Ramu Nanhet**, be released on his executing **P. R. Bond** of **Rs. 20,000/-** with one solvent surety in the like amount, in Crime No. 232/2019 for the offences punishable under sections 326, 326(A) read with Section 34 of the Indian Penal Code, registered with Gangazari Police Station , on the following conditions:-
 - (i) He shall not try to contact with the informant/victim and tamper with the prosecution witnesses, in any manner.
 - (ii) He shall attend the Court on each and every date during trial.
 - (iii) The accused is directed to furnish bail on 11.10.2021.
- 3) Breach of any of these conditions would amount to cancellation of bail.
- 4) Inform the concerned police station accordingly.

Sd/-

Gondia.
Dated:- 09.10.2021.

(S. B. Parate)
District Judge-1 & ASJ, **Gondia.**