

In the Court of Sessions Judge, Wardha.

ORDER BELOW EXH.3
IN SESSIONS CASE NO.51/2022.
Raju @ Bablu Bhagat ..Vs.. State
CNR No. MHWR010012302022
[Passed on 27/07/2022]

1] This is an application under section 439 of Code of Criminal Procedure in connection with Crime No.449/2022 of Wardha city Police Station for the offence under section 307 r/w 34 of IPC.

2] According to applicant, he belongs to poor family. There is no criminal record against him. FIR came to be registered under section 307 r/w 34 of IPC against this applicant on the basis of report of one Nagesh Fulzele. Applicant was arrested on 20/03/2022 and he is in jail since then. Victim and the applicant are residing at same locality. Victim and his family members are in habit of using weapon knife. Victim is also dealing in business of liquor and Ganja. Victim was under influence of alcohol on the day of incident and he does not know as to how he got fight. Investigation is over. Nothing is to be seized.

3] Prosecution has filed reply at Exh.4. According to them, this applicant and Juvenile in Conflict with Law (JCWL) had raised dispute with brother of injured in respect of which complaint was lodged to police and so this applicant dealt blow of knife over the abdomen of injured Sagar.

Prosecution has objected the application on the ground that applicant may commit similar offence and he may pressurized the witnesses.

4] I have heard both sides and injured.

5] Learned advocate for the applicant has submitted that there are no criminal antecedents against applicant. Applicant is residing on rent. He is falsely implicated. His son, who is JCWL is staying at Mumbai. Brother of injured has given trouble to wives of applicant.

6] On the other learned PP has submitted about attempt to kill the injured. Injured sustained grievous injury. I have perused the record, statement of injured and other papers. Prosecution has alleged about blow of knife by the applicant. It appears that there is involvement of one JCWL in the crime as alleged by the prosecution. The statement of injured Sagar dated 31/03/2022 recorded in the hospital, does not reveal about blow of knife by this applicant, due to which there was injury over abdomen of injured. Said statement shows allegation of wielding of knife by the applicant, but injured survived and ran away.

7] It does not reveal that anything is to be recovered. Charge-sheet is already filed. Applicant is in jail since March, 2022. However, the informant and the prosecution have shown apprehension to their life. Informant has contended in

the report about disputes between them. Considering these facts, it would be proper to impose conditions. Application deserves to be allowed. Hence, the order :

Order

- 1] The application is allowed.
- 2] Applicant Raju @ Bablu Bhimrao Bhagat be released on bail on executing his P.R.Bond of Rs.20,000/- with surety bond in the like amount in one or more sureties in connection with Crime No.449/2022, Police Station, Wardha-City for the offence punishable under section U/sec.307 of the IPC, on following conditions :
 - i] He shall not pressurise the informant and witnesses in any manner and shall not tamper with the prosecution evidence.
 - ii] He shall not indulge himself in similar type of offence.
 - iii] He shall not enter in Itwara Area, Wardha till conclusion of trial.
 - iv] Applicant shall make available the address where he is going to reside after releasing him on bail.
 - v] Applicant shall give address and phone numbers of any one relatives/friend, if any, on pursis.

Wardha

Date : 27/07/2022

(Ashutosh N. Karmarkar)
Sessions Judge, Wardha.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per the original order.

Name of Stenographer	:	G. A. Umate (Grade-II)
Court	:	Principal District and Sessions Judge, Wardha
Date	:	27/07/2022
Order signed by the Presiding Officer on	:	27/07/2022
Order uploaded on	:	27/07/2022