

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

II

**CRIMINAL APPLICATION (ABA) NO. 485/2021**

(Rupesh S/o Vitthal Gend & ors. Vs. State of Maharashtra)

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri A. P. Tathod, Advocate for applicants.  
Shri A. M. Deshpande, APP for non-applicant/State.

**CORAM : VINAY JOSHI, J.**  
**DATE : 02.09. 2021.**

Heard.

2. The applicant Nos. 1 to 4 are apprehending to be arrested in Crime No. 227/2021 registered at Police Station Asegaon, District Washim for the offences punishable under Sections 323, 324, 504 and 506 read with Section 34 of the Indian Penal Code. Latter on, Investigation Agency has added Section 326 of the Indian Penal Code against the applicants. The applicants are seeking for pre-arrest bail.

3. It is the prosecution case that on the day of occurrence, at the instance of dispute of

**2**

hiring Tractor, the applicants have initially assaulted informant and his son at 09.30 a.m. Thereafter, when the informant was about to report the matter to Police against all applicants, assaulted them by fist, blows and kicks. Particularly, it is alleged that the applicant No. 4 Akash picked up stone and assaulted at the head of informant's son namely Prashant. As against the rest of the applicants, the allegation is about beating by fist blows and kicks.

4. While resisting bail, learned APP has shown the injury certificate of Prashant disclosing that four injuries at his head. All those injuries were of grievous nature and caused by hard and blunt object. Moreover, the Police have recorded statement of injured Prashant who has stated about the assault by fist blows and kicks by others whilst assault by Akash by means of stone.

5. Having regard to the role assigned to the assailant, it is apparent that applicant – Akash

**3**

caused grave head injury by means of stone therefore, for the purpose of investigation, his custodial interrogation is necessary. As regards to the rest of the applicants are concerned, the allegation is of beating by fist, blows and kicks, hence nothing is to be seized from them as well as their detention is not necessary. In view of that following order:-

(I) Application stands partly allowed.

(II) Application pertains to the applicant No. 4 – Akash S/o Ram Kahiravkar stands rejected.

(I) Ad-interim order dated 04.08.2021 as against the applicant Nos. 1 to 3 is hereby made absolute on the same terms and conditions with further direction to continue to attend the Police Station till filing of the charge-sheet.

**JUDGE**

Gohane.