

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2794 OF 2021**

Mahadev @ Appa Mohan Chavan	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi with Mr. Nitesh Mohite i/by Mr. Sachin Zolte Patil, for Applicant.
Mr. P.H.Gaikwad, APP, for State.
Mr. Kale, PSI, Warje Malwadi Police Station, present.

CORAM: N.J.JAMADAR, J.
DATE : 11th JULY, 2022

P.C.

1. Heard the learned Advocate for the Applicant and the learned APP for the State.
2. This is an Application for pre-arrest bail in connection with C.R.No.178 of 2021 registered with Warje Malwadi Police Station for the offences punishable under Sections 307, 504, 506, 188, 269 read with Section 34 of the Indian Penal Code, 1860, Section 37(1) and Section 135 of the Maharashtra Police Act, 1951, Section 4 read with Section 25 of the Arms Act, 1959, Section 7 of the Criminal Law Amendment Act, 2013 and Sections 51, 53, 54, 55, 56, 57 of the Disaster Management Act, 2005.
3. While granting interim pre-arrest bail, this Court in its order dated 30th November, 2021 recorded as under :

“2. Perused the medical certificates at page Nos.121, 122 and 123. On

23/05/2021 at about 9-20 p.m., accused namely Vicky Shirsat, Avinash Admane, Sonya @ Nurva Shirsat and Mahadev @ Appa Mohan Chavan (Applicant) armed with sickles came abusing in front of the house of informant and told that since they (informant and family) quarreled with them, they would now show them and started bearing by means of sickle. It is alleged that the Applicant gave a blow of sickle on the left ear of informant's uncle, namely Haribhau Chougule. It is further alleged that the informant and his brother were also assaulted by the accused.

3. During the course of submission, it is pointed out that the charge sheet has already been filed. Moreover, the medical certificate though shows that the injured namely, Haribhau Chougule had suffered grievous injury and was accordingly treated on 23/05/2021 but was discharged on 24/05/2021."

4. The role attributed to the Applicant is that of giving a blow by means of scythe on the left ear of Haribhau Chougule, the injured. The medical certificate of Haribhau Chougule indicates that he had sustained the following injuries :

"Contusion on left side frontal area;
Linear laceration over left side cheek in front of left tragus;
Abrasion on left ear pinna;
Abrasion over left suprascapular area;
Abrasion on right forehead;
4 Suturing done on left side forehead.
He was discharged on 24/05/2021.
Nature of Injuries – grievous.
Age of injury – fresh."

5. It seems that the injured – Haribhau Chougule was admitted in the hospital on 23rd May, 2021 and discharged on 24th May, 2021. Though the Medical

Officer has opined that the injuries were of grievous nature, having regard to the description of the injuries, the designation of the injuries as grievous, appears debatable.

6. In any event, the investigation seems to be complete. Charge sheet in respect of co-accused, has already been filed. Thus, at this length of time, the custodial interrogation of the Applicant does not seem warranted. Hence, I am inclined to make the order dated 30th November, 2021 granting pre-arrest bail absolute.

Thus, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The order dated 30th November, 2021 granting pre-arrest bail is made absolute on the terms and condition incorporated therein.
- (iii) In addition, the Applicant shall mark his presence at Warje – Malwadi Police Station on every alternate Sunday from 10.00 a.m. to 1.00 p.m., for a period of three months or till filing of the supplementary charge sheet qua the Applicant, whichever is earlier.
- (iv) It is made hereby clear that the attendance of the Applicant at the police Station for the purpose of facilitating investigation shall be construed 'custody' for the purpose of Section 27 of the Indian Evidence Act.

(N.J.JAMADAR, J.)