

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

Anticipatory Bail Application No. 213 of 2022

Shubham Nagorao Khode

Versus

State of Maharashtra, through Police Station Officer,
Police Station Talegaon, Dist. Wardha

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.D.Khamborkar, Advocate for the applicant.

Shri S.A.Ashirgade, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 11th APRIL, 2022.

The applicant is seeking pre-arrest bail in Crime No. 602 of 2021 registered with Police Station Talegaon, District Wardha for the offence punishable under Sections 323, 324, 504, 506 read with Section 34 of Indian Penal Code. The allegations are that the applicant assaulted the complainant by stick and due to which an injury caused to the complainant on his private part.

2. Shri Khamborkar, learned counsel for the applicant submits that present complaint is counterblast

of the complaint lodged by the father of the applicant which was resulted in arrest of the complainant and his son Sachin Khode. He submits that injury caused to the complainant was not intentional but in a scuffle the said injury had been caused to the complainant. He lastly submits that applicant is a student of Engineering and he is pursuing his study. He, therefore, prays for grant of pre-arrest bail.

3. Shri Ashirgade, learned Additional Public Prosecutor opposes the present application. From the case diary he has pointed out that the injury caused to the complainant is grievous in nature. He, therefore prays for rejection of the present application.

4. I have perused the case diary and also the contents of the First Information Report. There is no doubt that the injury caused to the complainant is grievous in nature. However, the First Information Report itself discloses the fact that the said injury was caused in a scuffle. Thus, it cannot be said that it was intentional.

5. The applicant is a student and is studying in Engineering. The custody of the applicant is not necessary in the alleged offence. Thus, I am of the

opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.
- ii. In the event of arrest of the applicant in Crime No. 602 of 2021 dated 19th December, 2021 registered with Police Station Talegaon, District Wardha for the offences punishable under Sections 323, 324, 504, 506 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on furnishing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount.
- iii. The applicant shall attend the concerned Police station on **18th April, 2022, 19th April, 2022 and 20th April, 2022** between 10 am to 12 noon and thereafter as and when his presence is required.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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