

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

CRIMINAL APPLICATION (ABA) NO.523 OF 2022

(YOGENDRASINGH NARENDRASINGH GAUTAM...VS.. STATE OF MAH. THR. PSO PS
NANDGAON PETH, AMRAVATI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.M.Bhangde, Advocate for Applicant.
Shri A.M.Deshpande, A.P.P. for Non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.
DATED : JULY 20, 2022.

1. Heard.
2. This is an application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in connection with Crime No.0168 of 2022, registered with Police Station, Nandgaon Peth, Amravati for the offences punishable under Sections 324, 325, 326, 506(2) and 307 of the Indian Penal Code.
3. Shri Bhangde, learned counsel for the applicant submits that the complainant was in a habit of lodging false complaints and in this case also a false complaint came to be lodged, which is an outcome of a land dispute. He further submits that the applicant attended the Police Station during the period when the applicant was on *ad interim* anticipatory bail and he cooperated the Investigating Officer in investigation and also recovery of a wooden log (stump) made by the Police. As such, his custodial interrogation is not necessary. Accordingly, he prays for grant of pre-arrest bail.

4. The learned A.P.P. has strongly opposed the application and submits that initially an offence was registered under Section 324 of the Indian Penal Code, however, after medical examination Section 307 of the Indian Penal Code was added. He has pointed out from the case diary, the incriminating material collected by the Investigating Officer during investigation and as such, he prays for rejection of the present application.

5. I have perused the case diary and the F.I.R.

6. In this case, there are counter FIRs and it appears that there is some dispute relating to a land between the applicant and the complainant. The Police have added Section 307 of the Indian Penal Code after considering the injuries caused to the complainant. The photographs showing that the applicant is attacking on the complainant are available in the case diary. Moreover, considering the injuries and the fact that the offence is of serious nature, I am of the opinion that the custodial interrogation is necessary. Accordingly, I pass the following order.

The application is **rejected**.

JUDGE