

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

CRIMINAL APPLICATION (ABA) NO. 539 OF 2022

Narayan Arjuna Nagare **Versus** State of Maharashtra, thr. PSO., Ansing Tq. Washim, District Washim.

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

Court's or Judge's Order

Shri V.J.Gawali, counsel for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant/State..

CORAM : ANIL S. KILOR, J.

DATED : 02/08/2022

1. The applicant is seeking pre-arrest bail in connection with Crime No.127/2022, registered with Police Station, Ansing, Tq. Washim, District Washim, for the offences punishable under Sections 143, 147, 148, 149, 326, 324, 34 of the Indian Penal Code.

2. The learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence.

3. He submits that there are no grievous injuries caused to the complainant and further considering the allegations made in the FIR, that the applicant came from backside and inflicted a blow on the head of the complainant after which, he fell down unconscious, it is submitted that it is improbable to state the name of the persons who gave the blow.

4. Thus, he submits that all these factors show that the applicant has been falsely implicated in the alleged offence.

5. He further points out that the other accused persons have been released on pre-arrest bail by the learned Sessions Court. Accordingly, he prays for grant of bail on the principles of parity.

6. On the other hand, learned APP strongly opposed the present application and points out from the case-diary that the injuries are grievous and Section 326 of the Indian Penal Code is rightly applied in this case.

7. Learned APP further submits that, considering the seriousness of offence, custodial interrogation of the applicant is necessary.

8. He further submits that the role of the applicant and the role of the other accused persons who have been released on bail are different and the present applicant is not similarly circumstanced with the other accused persons. Accordingly, he submits that the applicant cannot claim parity.

9. I have perused the Case-diary and the FIR.

10. The injury report supports the prosecution case. In the injury report, there is mentioned of grievous injury. The injury report shows that, the grievous injury has caused to the head of the complainant.

11. In the FIR, a specific role is attributed to the applicant and it appears that the injury caused to the head of the complainant, was caused because of the applicant.

12. Thus, considering the seriousness of the offence and the character of material collected by the Investigating Officer, I am of the opinion that the custodial interrogation of the applicant is necessary. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]