

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

CRIMINAL APPLICATION (ABA) NO. 187 OF 2023

Pawan Keshav Kavhar and Another

..VS..

State of Maharashtra through PSO, P.S. Jhulka, Tq. & Dist. Washim

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

Court's or Judge's orders

Mr. Mir Nagman Ali, Advocate for applicants.
Mr. I.J. Damle, Additional Public Prosecutor for
non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JUNE 19, 2023

Present application under Section 438 of the Code of Criminal Procedure filed by the applicant is for grant of anticipatory bail in connection with Crime No.50/2023 registered with Police Station Jhulka, Taluka and District Washim for the offence punishable under Sections 326, 143, 147, 148, 504 and 506 read with Section 149 of the Indian Penal Code.

2. The applicants apprehending their arrest at the hands of the police as crime is registered against them on the basis of report lodged by Sau. Neeta Gajanan Dhondge on an allegations that due to the previous quarrel between her and the accused persons, on account of agricultural land, on 03.03.2023 present applicants and other co-accused assaulted her husband by means of iron road and fiber roads. Due to said assault, her

husband has sustained injuries and he immediately shifted to the hospital. On the basis of the said report, Police have registered the offence against the present applicants.

3. As per the contention of the present applicants, false report has been filed against them in fact, no such incident has taken place. The only allegations against them is that they have assaulted the injured by means of iron rod and fiber road, which is the vague allegations against the applicants. Now, the investigation is completed and charge-sheet is filed. This court while protecting by granting ad interim anticipatory bail directed them to attend police station. Accordingly they have attended and the incriminating articles are already recovered from them. Thus, their custodial interrogation is not required hence, they be protected by granting anticipatory bail.

4. Said application is strongly opposed by the State on the ground that considering the role attributed by the present applicants, their custody is required and hence the application deserves to be rejected. At the same time, it is submitted by learned APP that now investigation is completed and charge-sheet is filed.

5. Heard learned counsel Mr. M.N. Ali for the applicant. He reiterated the contention and submitted that the incriminating articles are already recovered, now

further custodial interrogation is not required and investigation is completed hence the applicants be released on anticipatory bail.

6. Learned APP strongly opposed the application.

7. Having heard both the sides and perused the investigation papers, it reveals that in view of the condition imposed by this Court, both the applicants have attended the Police Station and produced the incriminating articles i.e. iron road and fiber road.

8. Thus, recovery of the weapons as the instance of the present accused/applicants is already carried out and their custodial interrogation is not required. In the light of the above circumstances, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

- (i) Application is allowed.
- (ii) The applicants – Pawan Keshav Kavhar and Sau. Kavita Dilip Kavhar are released on anticipatory bail in event of their arrest in respect of Crime No.50/2023 registered with Police Station Julka, Taluka and District Washim for the offence punishable under Sections 326, 143, 147, 148, 504 and 506 read with Section 149 of the Indian Penal

Code on executing PR. bond of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall not induce, threat and pressurize any witnesses who are connected with the alleged crime.

(iv) The applicants shall furnish their cellphone numbers and address with the address proof.

9. The application is disposed of.

CRIMINAL APPLICATION (APPP) NO. 528/2023

In view of disposal of the bail application, this application does not survive and hence it is disposed of.

(URMILA JOSHI-PHALKE, J.)

Kirtak