

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

**CRIMINAL APPLICATION (ABA) NO.273 OF 2023**

Ku. Manisha d/o Nathuram Kashyap and another

Vs.

State of Maharashtra Through Police Station Officer, Saoner, District Nagpur

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

Court's or Judge's orders

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Shri H. G. Katekar, Counsel for the applicants.  
Shri S. M. Ghodeswar, APP for respondent State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 04/07/2023**

1. The applicants are apprehending arrest in Crime No.892/2022 registered with Saoner Police Station, District Nagpur for the offence punishable under Sections 324, 326, 341, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of a report lodged by Vilas Ishwar Dongre. The accusation against the present applicants is that the quarrel took place between the informant and the applicants on the ground of the accident. The applicants along with the co-accused have gave a blow by means of a wooden bat, fist and blows. The injured Vilas Ishwar Dongre has sustained the injury on his leg. He was immediately shifted to the hospital, however, while taking treatment his health was deteriorated and he succumbed to the injury. As the applicants are apprehending arrest at the hands of police, the present application is preferred.

3. The said application is strongly opposed by the State on the ground that the present applicants along with the co-accused in furtherance of their common intention, assaulted the deceased, the deceased has sustained injuries on his leg and while taking treatment he died due to septicemia. The custodial interrogation of the present applicant is required and hence, prayed for rejection of the bail.

4. Heard learned Counsel for the applicants. He submitted that as far as the role of the present applicants is concerned, it is alleged that they have assaulted by fist and kick blows. Thus, nothing is to be recovered from the present applicants. The co-accused has attributed the role of assault by means of a wooden bat. The applicants are already protected by granting ad-interim protection. Considering their role, as nothing is to be recovered from them, hence, the bail granted to them be confirmed.

5. The learned APP reiterated the contentions and objected to the application. Perused the investigation papers. The only allegation against the present applicants is that they assaulted the deceased by fists and kick blows. The material investigation is already carried out. The statements of the witnesses are already recorded. As far as the allegations against the present applicants are concerned, no weapon is attributed to them. Thus, nothing is to be recovered from them, therefore, their

custodial interrogation is not required. In view of that, the interim protection granted to them deserves to be confirmed. Accordingly, I proceed to pass the following order.

**ORDER**

(i) The application is allowed.

(ii) In the event of arrest the applicants namely, (1) Ku. Manisha d/o Nathuram Kashyap and (2) Ajay s/o Horilal Kashyap are hereby released on bail, in Crime No.892/2022 registered with Saoner Police Station, District Nagpur for the offence punishable under Sections 324, 326, 341, 504 and 506 read with Section 34 of the Indian Penal Code, on furnishing P.R. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend Police Station, Saoner as and when required for the investigation purpose.

(iv) The applicants shall furnish their cell phone numbers along with their address with address proof.

(v) The applicants shall not induce, threaten or promise any of the witnesses who are connected with the alleged crime.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**