

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

CRIMINAL APPLICATION (ABA) NO. 318 OF 2023

Suresh s/o Bapurao Keshve and anr. Vs. State of Maharashtra, Thru. PSO, PS
Mahgaon, Tah. Pusad, Dist. Yavatmal.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. H.S. Chavhan, Advocate for applicants.
Mr. N.R. Rode, APP for respondent/State.

CORAM : M.W. CHANDWANI, J.

DATE : 26.05.2023.

The applicants are seeking extra ordinary relief of anticipatory bail under Section 438 of the Code of Criminal Procedure in Crime No.189/2023 registered with Police Station Mahagaon, District – Yavatmal for the offence punishable under Sections 325, 326, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is contended that there are allegations and counter allegations between the complainant-party and accused-party. On fateful day i.e. on 28.03.2023, the measurement was going on in the agricultural land of husband of the complainant. On this count, quarrel took place between the complainant-party and accused-party.

3. It is contended that the applicants have lodged the complaint against the complainant-party on first point of time. The police registered the offence against the complainant-party for the offence punishable under Sections 354, 504 and 506 read with Section 34 of the Indian Penal Code, since the complainant has outraged the modesty of wife of the applicant No.1.

4. According to the learned counsel for the applicants, complaint has been lodged by the complainant after 24 hours of the incident. He submits that the other co-accused has been granted anticipatory bail but the application for anticipatory bail of the present applicants has been rejected by the learned Additional Sessions Judge, Pusa, District - Yavatmal. He submits that the applicants will co-operate the investigation and prayed for anticipatory bail.

5. Per contra, the learned APP submits that the offence is of a serious nature where the complainant-party has received a lacerated wound and the weapons are yet to be recovered from the applicants and the investigation is at primary stage. The Additional Sessions Judge, Pusa, District –

Yavatmal, granted anticipatory bail to one of the three accused. Hence, the learned APP prays for rejection of the application.

6. FIR reveals there is a dispute between the complainant-party and accused-party for an agricultural field and on the day of measurement, this alleged incident took place. Record shows that the applicant gave axe blows to Vikas Dorle, who has sustained bleeding injuries which is allegedly sustained by him by an axe blow, allegedly caused by the applicant. The weapon of offence is yet to be recovered. Considering these facts the custodial interrogation of the applicants will be necessary for further investigation.

7. In view of above and nature of allegations and offence, I do not think that the case is made out for an extra ordinary relief of anticipatory bail. Hence, this order.

8. The application is rejected and disposed of accordingly.

JUDGE