

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.513 OF 2023
Tukaram Murlidhar Gatmane Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri Ram Karode , Advocate for applicant.
Shri M.J. Khan, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : AUGUST 17, 2023.

The present application is for the grant of anticipatory bail in the event of his arrest in connection with Crime No.357/2023 registered with Police Station, Jalgaon (Jamod) District Buldhana for the offences punishable under Sections 307, 504 and 506 of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of the police as the crime is registered on the basis of a report lodged by Kisana Rambhau Gatmane on an allegation that on 11.07.2023 at about 8.30 am when he was present in his house at the relevant time the present applicant, who is his nephew came in front of his house and abused him. When he came out of the house, he was dragged by the present applicant and gave blow by means of the blade on his neck. Due to which, he sustained the injury. He was immediately shifted to the hospital. On the basis of said report, the police have registered the crime against the present applicant.

3. As per the contention of the present applicant that due to previous dispute, he has been implicated in the alleged offence. Even considering the allegations as it is, at the most offence under Section 324 of the IPC can be attracted. The present FIR is lodged as previous dispute is pending between him and his uncle. As far as the investigation part is concerned, the investigating officer has already drawn the spot panchanama and recorded the various statements of the witnesses. His custodial interrogation is not required and hence he be released on anticipatory bail in the event of his arrest.

4. The said application is strongly opposed by the State on the ground that the injured has sustained grievous injury on the vital part of his body. The half piece of blade is recovered however the custodial interrogation as far as the other part of the blade is yet to be recovered from the present applicant. Moreover, his custodial presence is required for interrogation purposes also. Considering the gravity of the offence, the application deserves to be rejected.

5. Heard Shri Karode, learned counsel for the applicant. He reiterated the contentions and submitted that previous dispute is pending between the present applicant and the informant, who are uncle and nephew and that is the reason the present applicant is implicated in the alleged offence. As far as the investigation part is concerned, the custody of the

present applicant is not at all required and hence he be protected by granting anticipatory bail.

6. Learned APP for the State strongly opposed the application and submitted that the injury sustained by the injured is 20 cm x 10 cm x 2 cm and that is on the vital part. The half portion of the blade was seized by the police during the investigation however rest of the part is yet to be recovered. Considering the nature of offence and its gravity, the custodial interrogation of the present applicant is required and prays for the rejection of the application.

7. Heard the learned counsel for the applicant and learned APP. On perusal of the investigation papers, it reveals that there is no dispute that there is a previous dispute between the present applicant and the injured, who are uncle and nephew. It further reveals from the investigation papers that the injured has sustained grievous injury on the neck i.e. vital part of the body. The investigation paper further reveals that the applicant used sharp article that blade, due to which, the injured has sustained the grievous injury on the vital part i.e. 20 cm x 10 cm x 2 cm. The injured was further referred to the higher center for further management of the injury. The statements of the various witnesses disclose the involvement of the applicant in the alleged offence. Considering the gravity of the offence, the injury sustained by the injured on the vital part of the body and some part of the weapon is yet to be

recovered. The present application deserves to be rejected. As there is prima facie material against the present applicant to connect with the alleged offence. In view of that, the application deserves to be rejected. Accordingly, the application is rejected.

JUDGE

Wagh

Signature Not Verified

Digitally Signed By: SURESH RAOSAHEB
WAGH
Personal Assistant to Hon'ble
Judge, High Court of Bombay, Nagpur
Bench, Nagpur.
Signing Date: 18.08.2023