



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

CRIMINAL APPLICATION (ABA) NO. 625 OF 2023

Vinay @ Vikky Rajbahadur Shahu and Another

.Vs.

State of Maharashtra, Through PSO Yashodhara Nagar, Nagpur

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

Mr Nishchay R. Jadhav, Advocate for the applicants
Mr Harshal Futane, APP for the State

CORAM : G.A. SANAP, J.

DATE : OCTOBER 16, 2023

1. Heard finally with the consent of learned
Advocates for the parties.

2. The applicants/accused Nos. 1 and 2 are
seeking anticipatory bail in Crime bearing No. 510 of
2023 registered at Yashodhara Nagar police station,
Nagpur for the offence punishable under Section 307
read with Section 34 of the Indian Penal Code.

3. The informant has lodged report on
15.07.2023. It is stated that on account of some money
transaction there was a dispute between the informant
and the accused. The accused, therefore, inflicted a blow
with wooden stick on the informant. The informant took

out knife from dicky of his motorcycle and inflicted the blows with the knife on the accused. Both the accused sustained multiple stab injuries. It is stated that weapon, namely the wooden stick, has been recovered. The accused have sustained serious stab injuries at the hands of the informant. The informant has been arrested in the same crime i.e. crime No. 509 of 2023 registered at same police station on the report of accused No.1. It is submitted that for the purpose of custodial interrogation the arrest is not necessary. They are ready to cooperate the police. They are also ready to abide by the conditions that may be imposed by the Court.

4. Learned APP submitted that considering the serious nature of the crime committed by them and their past criminal antecedents they are not entitled for bail. The informant is in jail. If the accused are released then the possibility of them fleeing away from justice and tampering with the prosecution evidence cannot be ruled out.

5. I have gone through the record and proceedings. It is true that accused No. 1 had initiated the assault with stick. The injury sustained by the

informant, as can be seen from the record, was not grievous injury. The informant had assaulted the accused Nos.1 & 2 with knife. They have sustained stab wounds. It is undisputed that the weapon of the offence i.e. stick has been recovered. It is seen that for the purpose of interrogation the arrest of the accused may not be necessary. Learned Additional Sessions Judge, considering the past criminal antecedents of the accused, was not inclined to grant the bail. In my view, this could not have been made the sole basis for rejection of the anticipatory bail application. Considering the fact that the accused have sustained multiple stab wounds with the knife at the hands of the informant it would be just and proper to grant them protection from arrest. It is true that initially assault was made by accused No.1, however, the nature of the weapon used by informant and the injury sustained by the accused cannot be overlooked. In my view the protection from the arrest cannot be denied to the accused. Accordingly, the application is allowed. Hence, following order.

- i] It is directed that in the event of arrest of the applicants- Vinay @ Vikky Rajbahadur Shahu and Rakesh Rajbahadur Shahu, in connection with Crime No. 510/2023, registered

with Police Station Yashodhara Nagar, Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, the applicants shall be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety in the like amount.

ii] The applicants shall not in any way tamper with the prosecution evidence.

iii] The applicants shall not pressurize or threaten the prosecution witnesses.

iv] The applicants shall attend the concerned police station on every Monday and Friday between 11:00 a.m. and 2:00 p.m.

v] The applicants shall co-operate the investigation officer.

The criminal application stands **disposed of**, accordingly.

(G. A. SANAP, J.)