

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

CRIMINAL APPLICATION (ABA) NO. 832 OF 2022

RAHUL BHIMRAO WANJARE

VS

STATE OF MAH. THR. PSO RISOD DIST. WASHIM

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

Court's or Judge's Orders.

Mr. Raju Kadu, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent State.

CORAM : ANIL L. PANSARE J.

DATE : 16/01/2023

The applicant is apprehending arrest in Crime No.579/2022 for the offence punishable under Sections 143, 147, 148, 149, 323 and 326 of Indian Penal Code, registered with Police Station, Risod, District – Washim.

2. The role assigned to the present applicant is that he had assaulted Vijay Pandit by means of iron rod. The learned Sessions Court has rejected the application on the ground that the injury certificate indicates that Vijay Pandit sustained fracture injury on his leg. Thus, the said injury is grievous injury. The learned Sessions Court opined that custodial

interrogation of the applicant is necessary to recover weapons.

3. Though learned counsel for the applicant made strenuous submissions that in FIR the role has not been specifically given, the specific role of applicant as claimed by the prosecution, has surfaced in the statement of Vijay Pandit. The recovery of the weapon of assault is of utmost importance and that therefore, it will not be appropriate to grant anticipatory bail as prayed by the applicant.

4. Mr. Raju Kadu, learned counsel for the applicant at this stage seeks permission to go through the papers of prosecution on the ground that on previous occasion the learned APP made a statement before the Court that the weapons of assault have been recovered. He was put to notice by the Court that if the statement is found to be incorrect, he will be directed to pay cost.

5. Mr.A.M.Kadukar, learned APP submits that he has not made such statement and that on previous date i.e. on 20/12/2022, the matter was assigned to Ms.Shamsi Hyder. He, however, submits that such statement cannot be made because the record shows that only stick has been recovered and no other

weapons. The applicant has assaulted by means of iron rod.

6. Thus, the learned counsel has made misleading statement and that therefore, he is directed to pay cost of Rs.5000/- which shall be deposited in the account of Library, High Court Bar Association, Nagpur.

7. Application stands rejected.

JUDGE