



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

CRIMINAL APPLICATION (ABA) NO.750 OF 2023

Narayan @ Tillubhau Balabhau Nimajwar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Umerkhed,
District Yavatmal

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

Court's or Judge's orders

Mr. Tejas Deshpande, Advocate for applicant.
Ms. M. Kavimandan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/11/2023

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.639/2023, registered with Police Station Umerkhed, District Yavatmal for the offences punishable under Sections 323, 324, 326, 504 and 506 read with Section 34 of the Indian Penal Code.

2. Learned Counsel Mr. Tejas Deshpande for the applicant submitted that the applicant is apprehending arrest at the hands of police, as report is lodged against him on the basis of report by Syed Ismil Syed Hamid, on an allegation that on 13.10.2023 at about 9.00 p.m. when he had been to the graveyard Umarkhed in search of his son, at that time, present applicant raised quarrel with him and gave a blow of knife on his head. On the basis of said report, police have registered the crime. He

further submitted that the injured is discharged from the hospital on the same day.

3. The reply filed by the State also shows that the incriminating article is already seized by the police. The relevant statements are already recorded by the Investigating Officer. Thus, practically investigation is completed and custodial interrogation of the present applicant is not at all required. He be protected by granting anticipatory bail.

4. Learned APP on the contrary opposed the application on the ground that the applicant has used the sharp weapon and assaulted the injured on a trifle reason. His custodial interrogation is required and prays for rejection of the bail.

5. Having heard learned Counsel for the applicant and learned APP for the State. Perused the investigation papers. As per recitals of the FIR, weapon like knife is assigned to the present applicant and as per the allegation, he has assaulted by the knife on the head of the injured. Investigating Officer has collected the medical certificate which shows that injured is discharged from the hospital on the same day, as he has sustained the simple injuries. From investigation papers it further reveals that the relevant statements are already recorded by the Investigating Officer. The reply filed by the State also shows that the incriminating article is also seized by the police. Thus, custodial interrogation of the present applicant is not at all required, as the material

part of the investigation is already completed. Considering that the injured is already discharged from the hospital, as he sustained the simple injuries and incriminating article is also recovered. Physical custody of the present applicant is not required. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Narayan @ Tillubhau Balabhau Nimajwar** be released on bail in the event of his arrest in connection with Crime No.639/2023, registered with Police Station Umerkhed, District Yavatmal for the offences punishable under Sections 323, 324, 326, 504 and 506 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.20,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station as and when required for the Investigation purpose.
- (iv) The applicant shall not induce, threat or promise any witnesses who are connected with alleged crime.
- (v) The applicant shall submit his cell phone number and address with the address proof.

(4)

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6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate