



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

CRIMINAL APPLICATION (ABA) NO.82 OF 2024

Anup s/o Tejlal Agrawal
Vs.

State of Maharashtra, Through Police Station Officer, Rajapeth, Amravati,
District Amravati

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

Court's or Judge's orders

Mr. U. P. Dable, Advocate for applicant.
Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.805/2023 registered with Police Station, Rajapeth, Amravati, District Amravati for the offences punishable under Sections 143, 147, 148, 326 and 364 read with Section 149 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Pooja Ganesh Kurothiya wife of the injured, on an allegation that on 02.09.2023 at about 4.00 p.m., her mother-in-law heard the noise of assault and it revealed that her husband is assaulted and, therefore, she approached to the Police Station to lodge the report. Her husband was taken in the Irwin Hospital. On enquiry with her husband, he disclosed

that at about 4.00 p.m., at Rajapeth Taramati Mandir, Anup Agrawal i.e. the present applicant communicated with him that he has lodged report against him and gave a blow of iron rod on his head and other co-accused have also assaulted him. It is further alleged that they have taken him in a forest on Chhatri Talav Road and also assaulted him there. On the basis of said report, police have registered the crime.

3. Learned Counsel Mr. Dable for the applicant submitted that regarding the said incident, cross-complaint is also filed on the same day which shows that it was the informant who has assaulted Sudhir Bhimraoji Mohod and Sudhir Mohod has also lodged the report against the informant. Thus, only to give a counterblast to the FIR lodged by Sudhir Mohod, this false FIR is lodged. As far as the custodial interrogation is concerned, the iron rod is already recovered and as per the prosecution, the custodial interrogation is required for seizure of the clothes and blood samples of the present applicant. The present applicant is ready to attend the police station. His physical custody is not required. In view of that, he be released on anticipatory bail in the event of his arrest.

4. Learned APP strongly opposed the application on the ground that a vital role is attributed to the present applicant. The injured has

sustained the grievous injuries and the custodial interrogation is required for the purpose of recovery of the clothes and blood samples of the present applicant and prays for rejection of the application.

5. After hearing both the sides. On perusal of the recitals of the FIR, it reveals that the vital role is attributed to the present applicant. As per the allegation, it is the present applicant who has given the blow of iron rod on the head of the injured. The counter-complaint is also filed against the injured on the basis of report lodged by one Mohod. The injured was referred to the medical treatment and the medical certificate shows that the injured has sustained in all six injuries, out of which one injury is grievous in nature. Considering the role attributed to the present applicant, *prima facie* case is made out against him. In view of that, the application for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)