



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

CRIMINAL APPLICATION (ABA) NO. 286 OF 2024

Sagar s/o Anil Yadav V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.N. Mate, counsel for the applicant.

Mrs. R.V.Sharma, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/05/2024.

1. Apprehending the arrest at the hands of Police in connection with Crime No. 1431/2023 registered with Police Station Awadhootwadi, District Yavatmal for the offence punishable under Sections 307, 341, 504, 506 read with Section 34 of the Indian Penal Code, 1860, 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 one Shobha Ramakant Murab, who alleged that there was a previous enmity between the present applicant and her family members. On the day of the incident on 11/12/2023 at about 3:30 p.m., the present applicant along with one Nilesh Yadav, Akash Yadav, and Anil Yadav came in front of her house and abused them. There was a dispute between them on account of the small children. At the relevant time, the present applicant has assaulted her son Akash Murab by giving a blow of knife on his stomach. In the said incident, her other son Gagan Ramakant Murab is also

assaulted by the present applicant by means of the said knife and Chandraprakash Ramakant Murab is also sustained the injury in the said incident. On the basis of said report, the police have registered the crime against the present applicant and other co-accused.

3. Learned counsel for the applicant submitted that regarding the said incident, two crimes are registered. Initially, the crime is registered on the basis of the complaint filed by the present applicant and to give a counterblast to the said complaint, this false complaint is lodged by the informant. He submitted that as far as the role of the present applicant is concerned, he himself has sustained injury in the said incident. Thereafter, he was admitted in the hospital and he was under treatment, his custodial interrogation is not required. He further submitted that considering the fact that, the accused in the crime which was registered on the basis of report, are already released on bail by the Sessions Court. Hence, the present applicant be released on bail in the event of his arrest.

4. Learned APP strongly opposed the said application and submitted that there is no dispute as to the fact that, cross complaints are filed regarding the said incident by both the parties against each other. But as far as the present applicant is concerned, they came along with a knife in his hand and gave a blow to three persons. In the said incident, three persons have sustained the injuries. She also pointed out from the medical certificate that one of the injured namely Gajan Ramakant Murab has sustained penetrative injury over the

right lumbar region of size 6 x 2 cm. muscle deep with peritoneal breach, which shows that the injury was so deep that internal organ of the injured were damaged. The another injured Akash Ramakant Murab has also sustained penetrative injury over the abdomen with a sharp object. He also sustained the injury which was muscle deep and peritoneal breach present. The third injured Chandraprakash Ramakant Murab has also sustained a peritoneal injury on the vital part of the chest. Thus, she submitted that considering the role of the present applicant which is to the extent that, three persons sustained the injuries on the vital part of the body, due to the blow given by the present applicant. The applicant's custodial interrogation is required to seize the said incriminating weapon as well as considering the nature of the injury, offence under section 307 of IPC is made out against the present applicant. She further submitted that the applicant is seeking anticipatory bail, the consideration for anticipatory bail and bail under Section 439 Cr.P.C. are different. The role of the present applicant is vital in nature and therefore, he cannot be protected by granting anticipatory bail.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. From which, it reveals that in an incident which occurs on account of small children, the applicant came at the spot along with a weapon, like a knife in his hand and gave a blow of knife to the three persons. The medical certificate of the three persons shows that they have sustained the grievous injury i.e. also on the vital part of the body. The injury sustained by

Gajan Ramakant Murab and Akash Ramakant Murab shows that they have sustained the penetrative which damaged the internal part of their body. Another injured Chandraprakash Ramakant Murab has also sustained injury on the vital part of the body.

6. Considering the role attributed to the present applicant, prima-facie case is made out against the present applicant, admittedly consideration for grant of pre-arrest bail and the bail under Section 439 of Cr.PC. are different. While considering the anticipatory bail, one of the considerations is the gravity of the offence. Considering the gravity, that three persons sustained the grievous injury in the said incident, admittedly no case is made out for grant of pre-arrest bail.

7. In view of the above, the application for grant of pre-arrest bail deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]