



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

CRIMINAL APPLICATION (ABA) NO. 359 OF 2024

Devanand s/o Kisan Chavhan Vs 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. S.B. Gandhe, counsel for the applicant.

Ms. T.H.Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 05/07/2024.

1. By this application, the applicant is seeking anticipatory bail, in connection with crime No. 128/2024 registered with Police Station, Buldhana for the offence punishable under Sections 143, 147, 148, 326, 324, 323, 307, 504 and 506 read with Section 149 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is on the basis of report lodged by Sainath Dadarao Shinde alleging that there was a previous dispute between his family members, present applicant, and the other co-accused. On 02/05/2024, at about 03.00 p.m., he attended one marriage ceremony. There was an exchange of abuses between the present applicant and the informant. On that day, the present applicant and other co-accused assaulted him, and other prosecution witnesses by means of axe, sticks, and other weapons. On the basis of the same, the

police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that after the applicant is released on ad-interim anticipatory bail, he has already produced the weapon before the investigating officer. He has cooperated with the investigating agency. As far as the injuries sustained by the injured are concerned, which are of simple nature. They are immediately discharged from the hospital. Hence, custodial interrogation of the present applicant is not required. In view of that, ad-interim protection granted to the applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that it is the present applicant who has given the blow of axe on the head of the injured, and the injured has sustained the grievous injuries. Therefore, custodial interrogation of the applicant is required.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. From which, it reveals that the applicant and other co-accused, allegedly for unlawful assembly, and in pursuance of the common object, assaulted the injured and other prosecution witnesses. The applicant was released on ad-interim anticipatory bail. Considering that no overt-act is attributed to him, however, the statement of the various witnesses shows that he has used the said weapon. But now, the said weapon is already recovered, as it was produced by

him. Therefore, the custodial interrogation of the applicant is not required, in view of that, ad-interim anticipatory bail granted to the applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed
- b) The interim protection granted by order dated 24/05/2024 is confirmed on the similar terms and conditions.
- c) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet.

The application stands disposed of.

[URMILA JOSHI-PHALKE, J.]