



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

CRIMINAL APPLICATION (ABA) NO. 376 OF 2024

Sanjay s/o Shyamrao Burewar 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. D.A. Mohgaonkar, counsel for applicant.

Mr. A.G. Mate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 284/2024 registered with Police Station Sadar, District Nagpur for the offence punishable under Sections 294, 324 and Section 326 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 Harish Narsingrao Dorsatwar on an allegation that on 01/05/2024, he had been to the grocery shop for purchasing milk, at that time, the present applicant also came there, there was a hot exchange of words between them, and the present applicant lifted one steel drum, and gave a blow of steel drum on the head of the informant. Due to which, he sustained the injuries. Thereafter, he has also assaulted by means of plastic crate on his head. On the basis of said report, the police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that the alleged incident has taken place, due to the provocation at the hands of the complainant. The injury sustained by the injured are simple in nature. He is already discharged from the hospital, the incriminating articles are already seized hence, custodial interrogation is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the present applicant has lifted the steel drum and gave a blow on the vital part of the body. Considering the nature of the offence, custodial interrogation of the present applicant is required. In view of that, application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the non-applicant/State, perused the investigation papers. There is no dispute as to the fact that, in a grocery shop, when the complainant and the applicant came in front of his other, there was hot exchange of words between them, and steel drum which was lying there was lifted by the present applicant, gave a blow on the head of the complainant. The medical certificate shows that the head injury sustained by the complainant was simple in nature, whereas the other injury which was over the left hand was grievous in nature. Now, the injured is already discharged from the hospital. The incriminating articles are already seized by the investigating agency. Thus, the custodial interrogation of the present applicant is not

required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) In the event of his arrest, in connection with Crime No. 284/2024 registered with Police Station Sadar, District Nagpur for the offence punishable under Sections 294, 324 and Section 326 of the Indian Penal Code, 1860, the applicant shall be released on anticipatory bail on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned police station on Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]