



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

CRIMINAL APPLICATION (ABA) NO.400 OF 2024

Dhyaneshwar Naththuji Wable and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Ansing, District Washim

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

Court's or Judge's orders

Mr. S. D. Chande, Advocate for applicant.
Mr. Saurabh Joshi, APP for respondent/State.
Mr. Ram Karode, Advocate for Complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/06/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.135/2024 registered with Police Station Ansing, District Washim for the offence punishable under Sections 307, 326 and 506 read with Section 34 of the Indian Penal Code, the applicants approached this Court for grant of pre-arrest bail.

2. Learned Counsel Mr. Chande for the applicant submitted that the cross-complaints are filed against each other, 14 persons were aggressors and in the said scuffle, the injuries are sustained to the complainant as well as the present applicants. He submitted that applicant No.1 is a handicapped person. As far as the custodial interrogation is concerned, which is not required as the weapons are already recovered. He further submitted that the applicants are ready to cooperate with the

investigating agency. In view of that, they be protected by granting anticipatory bail.

3. Learned APP and learned Counsel for the complainant strongly opposed the application on the ground that the recitals of the FIR and the various statements of the witnesses shows that applicant Nos.1 and 2 both have assaulted to the injured by means of iron rod as well as the stones. One of the lady member has also sustained the injury in the said incident. They invited my attention towards various statements and submitted that the statement shows that in what manner the alleged incident has taken place. The injured were assaulted mercilessly and still the injured are taking treatment in the hospital. The photographs of the injuries are also placed on record.

4. After hearing the learned Counsel for the applicant, learned APP for the State and learned Counsel for the complainant, perused the investigation papers, from which it reveals that due to the previous dispute the alleged incident has taken place. The injured Vitthal Wable has sustained the injury. One of the injury is grievous in nature. The medical report shows that he has sustained the multiple fractures in the said incident. The photographs which are placed on record also shows that not only the injured Vitthal Wable, but the another injured Anusaya has also sustained the grievous injuries in the said incident. Though learned Counsel for the applicants submitted that custodial

interrogation is not required, but merely because custodial interrogation is not required is not sufficient to grant anticipatory bail.

5. While considering the anticipatory bail Court has to consider the gravity of the offence which is committed by the applicant. On perusal of the various statements, it is revealed that out of the previous dispute the alleged incident has taken place. The statements further show that the injured were assaulted by the present applicants mercilessly. As far as the applicant No.2 is concerned, which shows that he has not only assaulted Vitthal, but when he fell on the ground, he kept his leg on the face of the injured and tried to press it. The said Vitthal was unconscious at the place of the incident. Thus, considering the various statements recorded by the Investigating Officer, it is revealed that the applicants have not shown any leniency at the time of incident and assaulted the injured mercilessly.

6. Considering the *prima facie* case, the interim protection granted to the present applicants deserves to be cancelled by rejecting the application. In view of that, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)