



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

CRIMINAL APPLICATION (ABA) NO. 510 OF 2024

Yogiraj Dhanraj Ujjankar 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. A.R.Prasad, counsel for the applicant.

Mr. A.J. Gohokar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/09/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 513/2023 registered with Police Station Kapil Nagar, Nagpur City for the offence punishable under Sections 326, 504 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that the crime is registered on the basis of a report lodged by Dhanraj Buraji Ujjankar, who is the father of co-accused Pushparaj Dhanraj Ujjankar and the present applicant. It was alleged that on 18/11/2023, when the complainant was at home, the co-accused entered his house, closed the door and assaulted him, due to which, he sustained grievous injury and he was shifted to Mayo Hospital where he has undergone surgery. On the basis of the said report, police have registered the crime against the present applicant.

3. He submitted that, as far as the involvement of the present applicant is concerned, initially his name was not mentioned in the FIR. Subsequently, in the supplementary statement, the role is attributed to the present applicant. As far as the custodial interrogation of the present applicant is concerned, which is not required, as his presence was not mentioned in the FIR. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that injured has sustained the grievous injury in the alleged incident. The specific role is attributed to the present applicant, in view of that, the prayer for grant of bail deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigating papers, which show that head injury which is attributed to the present applicant as well as the co-accused. There is only one head injury on the person of the injured. Four injuries are simple in nature. Only injury of fracture and third shaft tibia is a grievous injury, which is attributed to the co-accused. Considering that, initially, the name of the present applicant is not mentioned, and in subsequent statements, the role is attributed to him. In view of that, the applicant be released on bail.

6. Learned APP strongly opposed the said application on the ground that, considering his specific role attributed to

the present applicant, the application deserves to be rejected.

7. After hearing both sides and on perusal of the investigation papers, it reveals that the name of the present applicant is included after 15 days, as no role is attributed to him while lodging the FIR. As far as the injury certificate is concerned, head injury is attributable to the co-accused, and there is only one head injury sustained by the injured. The fracture injury as per the recitals of the FIR is also attributable to the co-accused. Thus, considering the entire material, at this stage, no prima facie case is made out and therefore, custodial interrogation is not required. In view of the above, applicant be protected by granting anticipatory bail. In view of that, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No. 513/2023 registered with Police Station Kapil Nagar, Nagpur City for the offence punishable under Sections 326, 504 read with Section 34 of the Indian Penal Code, 1860, the applicant – Yogiraj Dhanraj Ujjankar 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 every Monday 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.]