



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

CRIMINAL APPLICATION (BA) NO. 689 OF 2024

Bajrang Balu Tathod and another 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

Mrs. Maira Ateeb, counsel for the applicants.

Mr. U.R.Phasate, APP for non-applicant/State.

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

1. The applicants came to be arrested on 26/08/2023 in connection with crime No. 326/2023 registered with Police Station Ural, District Akola for the offence punishable under Sections 307, 452 read with Section 34 of the Indian Penal Code, 1860, and Sections 4 and 25 of the Arms Act, 1959.

2. The crime is registered on the basis of a report lodged by wife of the injured, alleging that she is the second wife of the injured and the present applicants are the sons from the first marriage. It is further alleged that, on 24/08/2023, at about 07.00 p.m., the applicants entered in the house and quarreled with the injured and demanded the share in the house. On that count, there was altercation of the words, and quarrel took place between them. They further assaulted the injured by means of the sickle, which they had carried in their hands. Due to the repeated blows, the injured sustained grievous injuries thereafter, he was taken to the hospital. Thus, the applicants, who are the sons

of the injured, have attempted to commit this murder. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned counsel for the applicants submitted that, as far as the implication of the present applicants is concerned, they were implicated falsely by the informant, who is their stepmother. She further submitted that the injuries sustained by the injured are in the nature of contused lacerated wound and not injuries which are sufficient to cause the death of the injured. She submitted that query report also collected during the investigation, which also shows that the nature of the arms is not the similar nature by which such types of injuries may be caused. She submitted that, now the investigation is completed and charge-sheet is filed, further incarceration of the present applicants is not required. In view of that, the applicants be released on bail.

4. The learned APP strongly opposed the said application and submitted that the query report itself shows that the nature of the weapon is pointed and sharp. The present applicants, who are the sons of the injured, have assaulted him by means of the sickle, which they carried in their hands while entering into the house, which is sufficient to show the intention of the present applicants to cause the death of the deceased. She further submitted that in all ten injuries are found on the person of the injured. He was referred to the higher center for the treatment of the said

injury. The surgeon's opinion was also given. The nature of the injuries is grievous in nature.

He further submitted that the injured was assaulted by the present applicants, who are sons of the injured, on account of the share in the house. The various statements recorded during the investigation also show the involvement of the present applicants with the alleged offence. Considering the nature and the circumstances under which the injured was assaulted, there is apprehension that if the applicants are released bail, they would commit similar types of offences. There are criminal antecedents against the applicants also, and therefore, the application deserves to be rejected.

5. After hearing learned counsel for the applicants and learned APP for the State, perused the investigation papers, from which it reveals that there was a dispute on account of a share in the house and injured who is the father of the present applicants was assaulted by them by demanding the share in the house. As far as the injuries sustained by the injured are concerned, which are ten in number, and all injuries are grievous in nature. The query report also shows that the nature of the weapon is dangerous, sharp, and pointed. All the above injuries are possible with these weapons.

6. Thus, considering prima-facie material collected during the investigation and the apprehension raised by the

learned APP, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application deserves to be **rejected**.

[URMILA JOSHI-PHALKE, J.]