



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.527 OF 2024
(Arjun @ Santosh Devaji Madavi 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. M.N. Ali, Advocate for the applicant.
Mr. S.S. Hulke, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 26, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.329/2024 registered with Police Station Bhadrawati, District Chandrapur for the offence punishable under Sections 143, 147, 148, 294, 324, 506 read with Section 149 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act.

3. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by Rohit @ Bhurya Jagdish Pal alleging that there was a scuffle between the present applicant and the informant. The applicant as well as the other co-accused assaulted the informant Rohit. The allegation against present applicant is that he has assaulted him by means of fibre chair and therefore he sustained the injuries. Learned Counsel for the applicant submitted that as far as the injuries sustained by the injured is concerned which are

simple in nature. During the sudden quarrel, the alleged incident has taken place. As far as custodial interrogation is concerned which is not required. In view of that, he be released on anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the weapon which is used by the present applicant and the other co-accused is yet to be seized, and therefore, custodial interrogation is required.

5. I have heard learned Counsel for both the parties. Considering the allegation is that the present applicant has assaulted the informant by means of fibre chair. At the same time, the allegation is that he was holding the weapon like sickle in his hand however, the injuries sustained by the injured are simple in nature. As far as the recovery of the weapon is concerned which can be taken care of by imposing certain conditions. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Arjun @ Santosh Devaji Madavi in connection with Crime No.329/2024 registered with Police Station Bhadrawati, District Chandrapur for the offence punishable under Sections 143, 147, 148, 294, 324, 506 read with Section 149 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959 and

Section 135 of the Maharashtra Police Act, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicant shall produce the weapon like sickle which was in his hand at the relevant time, before the Investigating Officer and the said period will be considered as his custody for the purpose of Section 27 of the Indian Evidence Act, 1872.

(v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(vi) Contravention of any of the conditions imposed on the applicant would lead to cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)