



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

CRIMINAL APPLICATION (ABA) NO.565 OF 2024

Dashrath Hattuji Jadhav

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Digras
District Yavatmal

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

Court's or Judge's orders

Mr. R. J. Shinde, Counsel for the applicant.
Ms. Trupti Udeshi, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/08/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.460/2023, registered with Police Station, Digras, District Yavatmal for the offences punishable under Sections 326, 294, 324, 354, 354-A, 452, 504 and 506 of the Indian Penal Code and subsequently Section 307 of the Indian Penal Code is added, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by the brother of the injured on an allegation that the marriage of his sister was performed with one Dilip Jadhav but said Dilip Jadhav died prior to nine years and therefore, his sister residing at Wailingi along with her children. On 30.07.2023, when he was present at his house, he received the phone call and it was informed that the

quarrel is going on between his sister and the present applicant, therefore he immediately rushed to the house of his sister and saw his sister in injured condition. On inquiry with the injured, she disclosed that at about 10.00 p.m. the present applicant entered in her house, asked her for tobacco and when she denied for the same, he has torn the some documents and abused her and assaulted her by fist and kick blows and she has sustained the fracture injury as well as head injury. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel Mr. Shinde for the applicant submitted that due to previous dispute the present applicant, who is the cousin father-in-law of the injured, is implicated falsely in the alleged incident. As far as the custodial interrogation is concerned, there is no allegation that any weapon is used by the present applicant, so nothing is to be recovered from the present applicant. As far as the interrogation part is concerned, the applicant is ready and will abide by the conditions and will attend the Police Station.

4. Per contra, learned APP submitted that while assaulting the injured, the present applicant has used 'Wakas' and it was found at the spot of incident, which police have seized. She submitted that the injured has sustained the grievous injuries

due to the assault that she has sustained the fracture injury and she was treated in the hospital. She further submitted that considering the weapon used by the present applicant, his custodial interrogation is required. Moreover, the injured has sustained the grievous injuries and therefore, application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the statement of the injured and the investigation papers, from which it reveals that due to the assault by the weapon like 'Wakas', the injured has sustained the fracture injuries as well as the head injury. Admittedly, now the investigation is completed and charge-sheet is already filed. Thus, the custodial interrogation of the present applicant is not required. However, considering the manner in which the sister of the informant was assaulted by the present applicant, some stringent conditions deserves to be imposed on the present applicant. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant **Dashrath Hattuji Jadhav** shall be released on anticipatory bail in connection with Crime No.460/2023, registered with Police Station,

Digras, District Yavatmal for the offences punishable under Sections 326, 294, 324, 354, 354-A, 452, 504, 506 and 307 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the village Wailingi, Taluka Digras, District Yavatmal, till further orders.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)