



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

CRIMINAL APPLICATION (ABA) NO.574 OF 2024

Santosh s/o Shambhusingh Thakur

Vs.

State of Maharashtra, Through Police Station Officer, Karanja City 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. B. D. Sachdev, Counsel h/f Mr. S. G. Karmarkar, Counsel for applicant.
Mr. A. J. Ghokar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/08/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.311/2024 registered with Police Station Karanja, District Washim for the offences punishable under Sections 326 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Gajanan Devrao Gadge who has alleged that on 29.04.2024 at about 10.30 when he was proceeding towards the Tahsil Office and his brother was proceeded towards the Court, at that time, two persons i.e. co-accused Pavan s/o Prakash Thakur and one another person came from the back side and said to his brother that why they are

creating the "Dadagiri or Gundgiri" in the village and assaulted him by means of iron rod. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, his name is not mentioned in the FIR. The applicant is ready to cooperate with the investigating agency. The implication of the present applicant is due to the previous dispute. Considering the same, the custodial interrogation of the present applicant is not required, in view of that he be released on anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the injured has sustained the major head injury due to the assault and the involvement of the present applicant revealed from the statement of the four eyewitnesses, who consistently stated about the role of the present applicant. In view of that *prima facie* case is made out against the present applicant and therefore, the 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 investigation papers. From the medical certificate it reveals that the injured Subhash Devrao Gadge has received as many

as ten injuries and that is also on the vital part of the body. Admittedly, the name of the present applicant is not mentioned in the FIR but from the statements of the four eyewitnesses, the name and the role of the present applicant revealed.

6. Learned Counsel for the present applicant submitted that the custodial interrogation is not required as the applicant is ready to produce the alleged weapon as well as ready to cooperate with the investigating agency.

7. The custodial interrogation is one of the aspects. However, while considering the anticipatory bail application, the role of the present applicant and the gravity of the offence is required to be looked into. Considering the prime role attributed to the present applicant and the injured has sustained the grievous injury and the gravity of the offence, the *prima facie* case is made out against the present applicant. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)