



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

CRIMINAL APPLICATION (ABA) NO.585 OF 2024

(Harshal Ankush Metkar and another Vs. State of Maharashtra thr. PSO PS Malkapur
City, Dist. Buldhana and another)

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

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for Applicants.
Mr. U. R. Phasate, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 5th SEPTEMBER, 2024.

1. Apprehending the arrest, at the hands of the police, in connection with Crime No.333/2024 registered with Police Station Malkapur City, District Buldhana for the offences punishable under Sections 118(1), 352, 351(2), 3(5) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

2. The accusation is against the present applicants on the basis of a report lodged by Pawankumar Rajpalsingh Rajput, alleging that on 07.07.2024 at about 09:30 p.m., when he returned at home, near the house of one Atul Jadale, was assaulted him by means of a wooden rafter and iron rod therefore, he sustained the injuries. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel Mr. Sirpurkar, he submitted that, as far as the allegations are concerned which are not

substantiated by any material. Considering that the informant is immediately discharged from the hospital and the applicant is ready to produce the alleged weapon before the Investigating Officer, their custodial interrogation is not required.

4. Learned APP strongly opposed the said application on the ground that, considering the manner in which both the applicants have assaulted the injured, the prayer for grant of anticipatory bail deserves to be rejected.

5. After hearing the learned counsel for the applicant and the learned APP for the State, perused the investigation papers from which it reveals that the statement of the injured as well as the statement of other witnesses substantiate the fact that the injured was assaulted by the present applicant with the help of the wooden rafter. As far as the injuries sustained by the injured are concerned simple in nature. He is discharged from the hospital. There is no apprehension as far as the death of the injured is concerned. Considering the injuries sustained by the informant which are simple in nature. The custodial interrogation of the present applicant is not required. In view of that, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

a] The application is allowed.

- b] In the event of their arrest in connection with Crime No.333/2024 registered with Police Station Malkapur City, District Buldhana for the offences punishable under Sections 118(1), 352, 351(2), 3(5) of the Bhartiya Nagrik Suraksha Sanhita, 2023, the applicant no.1 – Harshal Ankush Metkar and applicant no.2 – Roshan Ankush Metkar, shall be released on anticipatory bail, on executing P.R. bond of Rs.25,000/- each with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station once in a week on Sunday between 10:00 a.m to 01:00 p.m. and shall co-operate 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.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)