



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

CRIMINAL APPLICATION (ABA) NO.724 OF 2024

Soham s/o Vinayak Patil

Vs.

State of Maharashtra, Through Police Station Officer, Hudkeshwar, Nagpur
City, District Nagpur

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

Court's or Judge's orders

Mr. G. C. Khond, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant /State.
Mr. Rajat Biranware, Counsel for the objector.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/10/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.686/2024 registered with Police Station, Hudkeshwar for the offence punishable under Section 118(1), 3(5), 351(2), 352 and 118(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant is apprehending the arrest at the hands of police, as a crime is registered on the basis of a report lodged by Rupali Moreshwar Patil on an allegation that she is residing along with her family members, her father-in-law owns a house, and the co-accused Vinayak is her brother-in-law. On 22/09/2024, there was a quarrel between two families on account of taking the tap water. At the

relevant time, she was assaulted by the present applicant and his mother. On the basis of said report, police have registered the crime.

3. The learned Counsel for the applicant submitted that the alleged incident occurred due to the family dispute between the two families. The cross-complaints are filed against each other. The father of the present applicant has also sustained the injury in the said incident. The applicant is a student of B.Tech Electrical Engineering, and if he is arrested his entire career will be affected. It is further submitted that after he was released on ad-interim anticipatory bail, he has cooperated with the investigating agency, attended the Police Station, and also produced the steel rod which was allegedly used in the commission of the crime, therefore as far as the custodial interrogation of the present applicant is concerned, which is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP and learned Counsel for the complainant strongly opposed the said application and submitted that the applicant has assigned with the role that he has assaulted the injured on his head i.e. on the vital part, due to which, the injured sustained the head injury. Considering the role attributed to the present applicant and if he is released on bail, there is a likelihood of repeating the

similar incident, and therefore, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant, learned APP for the State and learned Counsel for the Complainant, perused the recitals of the FIR. There is no doubt that the entire allegation of giving a blow of steel rod on the head of the injured is against the present applicant. The injured has also sustained the injury on her head on a temporal region. Now the injured is discharged from the hospital. The photographs which are placed on record sufficiently show that she has sustained the injuries. The facial injury which is grievous in nature. As far as the custodial interrogation of the present applicant is concerned, which is required for the investigation agency to recover the steel rod which is already produced by the present applicant before the Investigating Officer. Now her custodial interrogation is not required for the interrogation purpose. The purpose of the interrogation can be achieved by imposing certain conditions on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

a] In the event of the arrest, in connection with Crime No.686/2024 registered with Police Station, Hudkeshwar for the offence punishable under Sections 118(1), 3(5), 351(2), 352 and 118(2) of the Bharatiya Nyaya Sanhita, 2023,

the applicant – **Soham s/o Vinayak Patil**, shall be released on anticipatory bail, on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

b] The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.

c] The applicant shall not reside at Plot No.314, Sanjay Gandhi Nagar, Near Anusaya Mata Mandir, till the culmination of the trial.

d] The applicant shall furnish his address along with the address proof where he is intending to reside after he is released on bail.

e] The applicant shall also furnish his cell phone number to the Investigating Officer for the investigation purpose.

f] The applicant shall not indulge in similar type of the activities.

g] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

h] The contravention of any of the conditions would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)