



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

CRIMINAL APPLICATION (ABA) NO.764 OF 2023

Saurabh s/o Indal Chavhan

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Mangrulpir, 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. S. N. Muley, Advocate for applicant.

Mrs. M. H. Deshmukh, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/02/2024

1. Apprehending the arrest at the hands of police the present applicant is seeking pre-arrest bail in connection with Crime No.259/2023 registered with Police Station, Mangrulpir, District Washim for the offence punishable under Sections 307, 326 and 341 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that as the crime is registered against the present applicant on the basis of report lodged by Manohar Chavhan father of the victim, on an allegation that on 16.04.2023, there was marriage ceremony in the village at the house of the relatives of the informant. During the Haldi ceremony in the marriage, quarrel took place between the son of the informant and the other co-accused. In the said incident, the son of the informant was assaulted by

the present applicant by means of fighter. He submitted that as far as the identity of the present applicant is concerned, his name is not mentioned in the FIR or not in the subsequent statement. Thus, the involvement of the present applicant is not revealed from the recitals of the FIR and during the further investigation. He is falsely implicated in the alleged offence. After releasing him on ad-interim anticipatory bail, he has cooperated with the investigating agency and his physical custody is not required.

3. Learned APP strongly opposed the application and submitted that the injured has sustained the stab injury which was grievous in nature. During the investigation, the name of the present applicant is revealed as a Golu Djwala. The present applicant has also made a disclosure that he has assaulted the injured to his co-employee. Thus, this disclosure is in the nature of extra judicial confession by him. Thus, the involvement of the present applicant was revealed from the statements of Rajesh Manikrao Lokhande and Ganesh Dilip Chavan. Considering the grievous injury sustained by the injured, the alleged weapon is recovered from the other co-accused. However, the custodial interrogation of the present applicant is required, considering the grievous injury sustained by the injured. In view of that, the application deserves to be rejected.

4. Having heard learned Counsel for the applicant and learned APP for the State, perused the investigation papers. Admittedly, the name of the present applicant is not mentioned in the FIR which is lodged by the father of the injured. In the statement of injured recorded under Section 161 of the Code of Criminal Procedure he has mentioned that he was assaulted by one Golu Djwala. His statement under Section 164 of Cr.P.C. is recorded, wherein also he reiterated the same facts. During investigation, the statements of two witnesses recorded who are working with the present applicant, they have disclosed that present applicant disclosed to them that when he had been village Hatodi Manora, he assaulted one person by name Mahendra Chavhan. Thus, this statement shows the involvement of the present applicant in the alleged offence. The injured has sustained a grievous injury in the nature of stab wound. Considering the gravity of offence, the custodial interrogation of the present applicant is required. In view of that, the prayer of anticipatory deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)