



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

CRIMINAL APPLICATION (ABA) NO. 810/2023

Arjun Shamrao Chavhan and others Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.N. Patre, counsel for the applicants.

Ms. Trupti Udeshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 15/01/2024.

1. By preferring this application, the applicants are seeking pre-arrest bail, in the event of their arrest, in connection with Crime No. 386/2023 registered with Khandala Police Station, Tq. Pusad, District Yavatmal for the offences punishable under Sections 143, 147, 148, 323, 324, 326, 504, 506 read with Section 149 of the Indian Penal Code, 1860.

2. The applicants are apprehending arrest at the hands of Police as accusations is made against them, on the basis of report lodged by Dashrath Shiva Chavhan. As per the allegation on 03/09/2023 at about 12.00 p.m., there was a scuffle and two FIR's were registered vide Crime Nos. 385/2023 and 386/2023. The crime No. 385/2023 is registered on the basis of report lodged by Arjun Shamrao Chavan, whereas the counter FIR No. 386/2023 is registered against the present applicants on the basis of report lodged by Dashrath Shiva Chavan.

3. As per the recitals of both the FIR's there was scuffle between Arjun Shamrao Chavhan i.e. applicant No.1 and other co-accused along with informant and other prosecution witnesses. As far as the allegation against the present applicants is concerned, it is alleged that the applicant No.1- Arjun Shamrao Chavan has assaulted by means of hammer, whereas the applicant No.2 – Santosh Shamrao Chavhan and Applicant No.3- Namdeo Dattarao Chavhan, have assaulted by means of iron rod and wooden bat respectively.

4. Shri VN. Patre, learned counsel for the applicants submitted that as far as the injuries sustained by the injured are concerned, they are discharged from the hospital on the next day. The injured have not sustained the injury I.e. the interior part of the skull, but it was on the anterior part of the skull. There was no intention to cause such injury, but during the scuffle, the said injuries are caused. The informant and the prosecution witnesses were the aggressor and the alleged incident has taken place, as informant and other prosecution witnesses came at the house along with weapons. The custodial interrogation of the applicants is not required and hence they be protected by granting ad-interim anticipatory bail.

5. The learned APP strongly opposed the present application on the ground that the specific role is attributed to the present applicants. The custodial interrogation of the present applicants is required, as the incriminating weapon are to be recovered from the

present applicants. Moreover, the nature of injury sustained by the injured are of grievous nature. In view of that, criminal application deserves to be rejected.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and the investigation papers. The two cross complaints are filed, as there was a scuffle between the two groups. Both the groups were holding the weapons like Tommy Iron Rod, and wooden stick. As far as the allegation against the present applicants are concerned, it is specifically alleged that applicant No.1 has used the weapon like hammer and assaulted Manibai Shiva Chavan, whereas the applicant No.2 Santosh Shamrao Chavhan and applicant No.3 Namdeo Dattarao Chavhan have assaulted the brother of the informant by Iron Rod and the cricket. bat. The injured has sustained the injury which is in the nature of fracture to the skull.

7. Thus, prima facie case is made out against the present applicants. Considering the specific role attributed to the present applicants, the circumstances under which the alleged incident has taken place, the weapons used by the present applicants is grievous in nature. Hence, criminal application deserves to be rejected. Accordingly, I pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]