



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

CRIMINAL APPLICATION (ABA) NO.805 OF 2023

Mahendrasingh s/o Pratapsing Chavan

Vs.

State of Maharashtra, Through Police Station Officer, Khamgaon (Rural), District
Buldhana

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

Court's or Judge's orders

Mr. M. V. Rai, Advocate for applicant.

Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/01/2024

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.422/2023 registered at Police Station Khamgaon (Rural), District Buldhana for the offences punishable under Sections 143, 146, 147, 148, 452, 427, 324, 323, 504, 506 read with Section 149 of the Indian Penal Code, 1860.

2. Mr. M.V. Rai, learned counsel for the applicant submitted that accusation against the present applicant is on the basis of report lodged by Shripad Somnath Anekar, wherein it is alleged that there was a love affair between the son of the informant and the daughter of Mangalsingh Raisingh Chavhan, who have performed the marriage and dispute arose between the two families. On 03.12.2023, the present applicant along with other co-accused came at the house of the informant by holding weapons in their hands and caused damage to the property as well as abused them in a filthy language.

3. It is further alleged that present applicant and other co-accused pelted the stone on the door, and the present applicant has assaulted the son of the informant by slaps, fist and blows. After the applicant was released on ad-interim anticipatory bail, he has cooperated with the investigating agency and the incriminating articles are already recovered. He submitted that alleged incident has occurred due to the love marriage between son of the informant and daughter of the co-accused. Now, investigation is practically completed and custodial interrogation is not required and prays for confirmation of the anticipatory bail, which is granted in favour of the present applicant.

4. The learned APP strongly opposed the present application on the ground that considering all the accused, in furtherance of their common object, came at the house of the informant and caused the damage to the house and the property of the informant, the application for anticipatory bail deserves to be rejected.

5. Learned APP fairly submitted that the applicant has cooperated with the investigating agency and incriminating articles are already recovered.

6. After hearing both the sides and after perusal of the FIR, it reveals that the alleged incident occurred due to the love marriage between the children of the family of the informant and the co-accused. Only allegation against the applicant is that, he has assaulted the son of the informant by slaps and fist blows. It

further reveals from the submissions that the applicant has cooperated with the investigating agency and incriminating articles are already recovered. Considering the same, custodial interrogation is not required as nothing is to be recovered and, therefore, interim bail granted in favour of the present applicant deserves to be confirmed. In view of that, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of his arrest, in connection with Crime No.422/2023 registered at Police Station, Khamgaon (Rural), District Buldhana for the offences punishable under Sections 143, 146, 147, 148, 452, 427, 324, 323, 504, 506 read with Section 149 of the Indian Penal Code, 1860, the applicant– **Mahendrasingh s/o Pratapsing Chavan**, be released on anticipatory bail on furnishing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

(iv) The applicant shall not induce, threat or promise to any witnesses who are acquainted with the fact of the present case.

(URMILA JOSHI-PHALKE, J.)