



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

CRIMINAL APPLICATION (ABA) NO.849 OF 2024

Yash Rahul Shende 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. T.H. Bewali, counsel with Mr. V.N. Bansod, counsel for applicant.
Ms. H.N.Prabhu, APP for Non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 448/2024 registered with Police Station Kapil Nagar for the offence punishable under Section 109 Bhariya Nayay Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by Birju Sanjay Tayade, on an allegation that, on 19/11/2024, at about 2.30 p.m. when he was in the courtyard of the house, at that time, one Rahul Shende had abused him, and when he was giving him understanding, at that time, the son of Rahul Shende, i.e. present applicant, came there by holding a knife in his hand and gave a blow of the knife on his person, due to which he has sustained the grievous injuries.

3. Learned counsel for the applicant further submitted that, due to the previous enmity, this false FIR is lodged against the present applicant. Even accepting the allegation as

it is, the injured has sustained the simple injury. The custodial interrogation of the present applicant is not required. The weapon is already seized, and therefore, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that considering the nature of the offence, and the applicant has used the deadly weapon, like knife, and gave a blow on the person of the injured. The custodial interrogation of the applicant is required, as his blood-stained clothes are to be recovered. In view of that, the application deserves to be rejected.

5. On hearing both sides, and on perusal of the investigation papers, it reveals that the injured has sustained the simple injury. The weapon is already recovered as far as the part of the investigation, i.e. seizure of the clothes, is concerned, some conditions can be imposed on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] In the event of the arrest in connection with Crime No. 448/2024 registered with Police Station Kapil Nagar for the offence punishable under Section 109 Bhariya Nayay Sanhita, 2023, the applicant -Yash Rahul Shende, shall be released on anticipatory bail on executing PR.

Bond of Rs. 25,000/- 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 cooperate with the investigating agency.
- d] The applicant shall not enter into the jurisdiction of the Awale Nagar, and shall not induce threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]