



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 08 OF 2025

Chetan Shankar Chavan and another

.vs.

State of Maharashtra, through PSO PS Sindhkhed Raja, District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr M. I. Dhatrak, Advocate for the applicants

Mr A. G. Mate, APP for the non-applicant/State

CORAM : G.A. SANAP J.

DATE : JANUARY 22, 2025

Heard learned Advocate for the applicants and
learned APP for the State.

2. On oral request of learned Advocate for the
applicants, permission to correct the first name of
applicant No.2 is granted.

3. Correction be carried out forthwith.

4. The applicants, who are the accused Nos. 2 and
3 in Crime No. 203 of 2024 registered with Sindhkhed
Raja police station, District Buldhana for the offences
punishable under Sections 117(2), 117(3), 118(1), 3(5),
351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023,
have made this application for bail.

5. Learned Advocate would submit that the
accused were arrested on 19.12.2024. On the very same

day, the learned Magistrate has remanded them to the Magisterial custody. The investigation as far as these accused is concerned is over. It is submitted that the bail application was rejected on the ground that some of the accused involved in this crime are yet to be arrested. Learned Advocate would submit that considering the nature of the crime, alleged to have been committed by the accused and the fact that their further detention is not warranted, they may be released on bail. It is submitted that the accused are ready to abide by the conditions that may be imposed by the Court.

6. Learned APP would submit that accused Nos. 2 and 3 with the main accused mercilessly beat the informant. The assault was preplanned. The informant has lost the eyesight of his right eye. The investigation is in progress. It is submitted that if the accused are released on bail then they would pressurize the prosecution witnesses and tamper with the prosecution evidence.

7. I have gone through the record and proceedings. The main offence registered against the accused is under Section 118 of the Bharatiya Nyaya Sanhita, 2023 namely causing grievous hurt by means of dangerous weapon. The informant took a treatment at private hospital. The

investigation is in progress. Applicant No.1/accused No.2 Chetan is a student. Applicant No.2/accused No. 3 Rohan is labour. In this case, it is not the contention of police that for recovery of any article and weapons their detention is necessary. As far as absconding accused are concerned, the investigating officer would be required to arrest them. No explanation has been *put forth* for not arresting them from the date of the FIR till date. In my view, considering the nature of the crime and the fact that offence alleged to have been committed by them are triable by the Magistrate, it is not necessary to keep them behind bars for indefinite period. The charge-sheet has not been filed. The filing of the charge-sheet may take some time *inasmuch* as some of the accused are absconding. In this backdrop, the apprehension *put forth* by the learned APP can be taken care of by imposing appropriate conditions. In view of the above, I am inclined to grant bail to the accused/applicants. Hence, the following order:

- i) The criminal application is allowed.
- ii) Applicant No.1- Chetan Shankar Chavan and applicant No.2- Rohan S/o. Santosh Rathod be released on bail in Crime No.203 of 2024, registered with Police Station

Sindhkhed Raja, District: Buldhana for the offence punishable under Sections 117(2), 117(3), 118(1), 3(5), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 on them furnishing P.R. bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand only) each with one surety in the like amount each.

iii] The applicants shall not in any way tamper with the prosecution evidence.

iv] The applicants shall not pressurize or threaten the prosecution witnesses.

v] The applicants shall attend the concerned police station on every Monday and Friday between 7 p.m. and 9 p.m. till filing of the charge-sheet.

vi] The applicants shall co-operate the investigating officer.

8. The Criminal Application stands **disposed of** accordingly. Pending application, if any, also stands disposed of.

(G. A. SANAP, J)