



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

CRIMINAL APPLICATION (BA) NO.274 OF 2025

(Pavan s/o Shivaji Dhande Vs. The State of Maharashtra thr. PSO PS Mehkar, Dist.
Buldhana)

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

Court's or Judge's orders.

Mr. P. S. Wathore, Advocate for Applicant.
Mr. A. M. Ghogare, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 28th MARCH, 2025.

1. The applicant came to be arrested on 27.01.2025 in connection with Crime No.761/2024 registered with Police Station Mehkar, District Buldhana for the offences punishable under Sections 117(2), 118(1), 189(2), 191(2), 191(3), 190, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for the applicant who submitted that there was a dispute between the informant and his family members and the applicant and his family members on account of the partition of the landed property. On account of that on 27.12.2024 there was scuffle between both the family members and in the said incident it is alleged that present applicant was assaulted. The injured Ashok by means of axe due to which his little finger was amputate. On the basis of the said report police have registered the crime against the present applicant. He submitted that out of the dispute on account of the landed property the alleged incident has taken place. In the said incident the prosecution witnesses as well as the

accused both have sustained the injuries. As far as the injuries sustained by one of the injured are concerned, now, he is discharged from the hospital and there is no apprehension as to the death. He further submitted that the injuries is also not on the vital part of the body. Considering the same, the applicant be released on bail.

3. Learned APP strongly opposed for the same application and submitted that the photographs which are filed on record sufficiently shows that the little finger of the one of the injured is amputate due to the blow by the present applicant and therefore, considering the *prima facie* material against the present application. The application deserves to be rejected.

4. After hearing both the sides and on perusal of the investigation papers it reveals that out of the dispute on account of the property and partition the alleged incident has taken place. In the said incident both parties have sustained the injuries as far as the role attributed to the present applicant is concerned assault by axe due to which the finger of one of the injured was amputate. Now, he is already discharge from the hospital. No doubt he has sustained the grievous injuries but considering now investigation is already completed but charge-sheet is yet to be filed. Considering the fact that now investigation is completed further incarceration of the applicant is not required. The application deserves to be allowed. Accordingly, I proceed to pass the following order:

- i) The criminal application is allowed.

ii) The applicant – Pavan s/o Shivaji Dhande shall be released on bail in connection with Crime No.761/2024 registered with Police Station Mehkar, District Buldhana for the offences punishable under Sections 117(2), 118(1), 189(2), 191(2), 191(3), 190, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

iii) The applicant shall not enter into the vicinity of village Sukali, Post Ukali, Tahsil Mehkar, District Buldhana till culmination of the trial.

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

v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)