



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

CRIMINAL APPLICATION (ABA) NO.191 OF 2025

Digambar Narendra Rathod and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Karanja Lad (Rural), District Washim

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

Court's or Judge's orders

Mr. S. G. Varshani, Counsel for the applicants.
Ms. Swati Kolhe, APP for non-applicant/State.
Mr. S. D. Chande, Counsel for the complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.37/2025 registered with Police Station Karanja Lad (Rural), District Washim for the offence punishable under Sections 109, 189(2), 189(4), 190, 191(2), 191(3), 324(4), 351(3) and 352 of Bharatiya Nyaya Sanhita, 2023, the present applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of the report lodged by Prakash Hariram Ade, on an allegation that due to the previous dispute between them, he is assaulted by the applicant No.3 by means of Axe on his head and applicant Nos.1 and 2 by means of iron rod and stick respectively. On the

basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that the cross-complaints are filed with the similar allegations. The application of the accused in the cross complaints are considered by this Court and they are released on anticipatory bail. As far as the role of the present applicants is concerned, which is falsely shown by the informant, custodial interrogation is not required, as the injured has not sustained the grievous injuries, now he is discharged from the hospital. Thus, considering the same, they be protected by granting anticipatory bail.

4. Learned APP and learned Counsel for the complainant strongly opposed for the same and submitted that the injury certificate which is on record sufficiently shows that the injured has sustained the grievous injury. The head injury is attributed to the applicant No.3, who has used Axe. As far as the applicant Nos.1 and 2 are concerned, they have already produced the iron rod and stick before the Investigating Officer. In view of that, their custodial interrogation is not required. However, considering the role attributed to the applicant No.3, his prayer for grant of anticipatory bail deserves to be rejected.

5. On hearing on both sides and on perusal of the recitals of the First Information Report and the investigation papers it reveals that the specific role is attributed to the applicant No.3, who has given a blow by axe on the vital part of the body i.e. on the head. As far as the role of the applicant Nos.1 and 2 is concerned, they have used the rod and stick and the blow is also not on the vital part. They have also produced their weapons before the Investigating Officer. Thus, as far as the applicant Nos.1 and 2 are concerned, their custodial interrogation is not required. In view of that, the application deserves to be allowed partly. Accordingly I proceed to pass following order:

ORDER

(i) The application is allowed partly.

(ii) In the event of arrest, in connection with Crime No.37/2025 registered with Police Station Karanja Lad (Rural), District Washim for the offence punishable under Sections 109, 189(2), 189(4), 190, 191(2), 191(3), 324(4), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant **No.1 Digambar Narendra Rathod and applicant No.2 – Sahadev Jagram Rathod**, shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety of the like amount.

(iii) The applicant Nos.1 and 2 shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The prayer of the applicant No.3 for grant of anticipatory bail is hereby rejected.

(v) The applicant Nos.1 and 2 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)