



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

CRIMINAL APPLICATION (ABA) NO.332 OF 2025

(Nilesh Vijayrao Chavhan 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. S.B. Gandhe, Advocate for the applicant.
Mr. N.R. Rode, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 7, 2025.

Apprehending arrest at the hands of police in connection with Crime No.116/2024 registered with Police Station Rajapeth, Amravati, District Amravati for the offence punishable under Sections 302, 143, 147, 148, 120-B, 201 read with Section 149 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by Pavan Balkrushna Kohale on an allegation that Ganesh Balkrushna Kohale is his elder brother working in a garage and there was a previous quarrel between him and co-accused Shailesh and his friends. On 20/02/2024 his brother left the house at about 7:30 PM and subsequently he came to know that there was a quarrel between his brother and co-accused Shailesh and on that count he was

assaulted by the present applicant and the other co-accused by the sharp weapons in which the death of the deceased is caused. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that his name is neither mentioned in the FIR nor he is seen in the CCTV footage assaulting the deceased. The eye-witness namely Manda Lad has also not named him in her statement. As far as other eye-witnesses are concerned though they have mentioned the name but no specific role is attributed to him. Now, investigation is already completed, and therefore, his custodial interrogation is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that since the date of the incident, the applicant is absconding. Despite due search of the applicant he was not found. On that ground itself, the application deserves to be rejected. Thereafter he invited my attention towards the statements of some of the eye-witnesses wherein the presence of the present applicant is mentioned in the statement. He submitted that considering the applicant and other co-accused formed the unlawful assembly and in pursuance of the common object of the assembly the deceased was assaulted mercilessly. The postmortem report discloses the manner in which the deceased was assaulted, in all 9 injuries are

found on his person. The internal injuries are also in the nature of the grievous injuries. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers. As far as the eye-witness Manda is concerned admittedly, she has seen the deceased when he entered in the house. Admittedly, the CCTV footage also not shown the presence of the present applicant when it was recorded assaulting the deceased but the statements of some of the eye-witnesses discloses that after deceased was assaulted initially, deceased started running away from the spot and present applicant and other co-accused chased him and thereafter he was again assaulted. Moreover, the another incriminating circumstance is that since the date of the incident, the applicant is absconding. Considering the manner in which the deceased was assaulted by the applicant and the other co-accused and he was absconding since the date of the incident, though investigation is completed, he is not entitled for the discretionary relief of anticipatory bail. Considering his role and considering the fact that he was absconding since the date of the incident, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)