



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

CRIMINAL APPLICATION (ABA) NO.381 OF 2025

(Baban s/o Laxman Pawar 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. R.D. Karode, Advocate for the applicant.
Mr. A. Madiwale, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JUNE 11, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.98/2025 registered with Police Station Murtizapur, District Akola for the offence punishable under Sections 103(1), 109, 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Renuka Dayaram Ghosale on an allegation that her nephew Chandu Damu Bhosale is residing in the same area wherein she is residing and Pradip Ghosale resides along with his family in front of house of Chandu Bhosale. There was a dispute between two families of Pradip and Chandu on a suspicion that the wife of Pradip namely Bhagyashri was having illicit relations with son-in-law of Chandu, namely Rahul Chavan. On 24/03/2025, Pradip and his father-in-law had a dispute with Chandu and his sons on account of the illicit relations between their daughter-in-law and Rahul and on that count they were assaulted as well as the deceased was also assaulted by the group of persons who were gathered in front of the

house of Chandu. The villagers were also gathered there. Due to the assault the deceased has sustained the grievous injuries and succumbed to the death. On the basis of the said report, police have registered the crime against the present applicant as well as the other co-accused.

3. Learned Counsel for the applicant submitted that the name of the present applicant is not reflected in the FIR. No specific role is attributed to the present applicant. As far as the recitals of the FIR are concerned which nowhere shows that the applicant was present at the spot of incident. Now, investigation is already completed. The custodial interrogation of the present applicant is not required. He is ready to cooperate with the investigating agency. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that during investigation the statements of the eye-witnesses are recorded and it reveals that the present applicant was present at the spot of incident holding the iron rod in his hand. The statement of one Ritesh Chandu Ghosale recorded under section 183 of the BNS shows that the present applicant who was present there went at his house, brought the iron rod and thereafter, assaulted the deceased on his neck. The death of the deceased is caused due to the head injury. Thus, he submitted that, considering the statements of the witnesses, *prima facie* case is made out against the present applicant. Considering the nature of the offence, which is

grievous one, and the custodial interrogation of the present applicant is required for the seizure of the weapon. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that there was a previous dispute between two families. In the said incident one Suraj Chandu Ghosale succumbed to the death due to the head injury sustained by him in the said incident. The statements of the eye-witnesses including the statement of Sangita Ghosale and other eye-witness namely Ritesh Chandu Ghosale discloses the involvement of the present applicant. The intention of the present applicant can be gathered from the circumstance that during the incident he went at his house and thereafter brought the iron rod and gave a blow on the neck of the deceased. Thus, considering the gravity of the offence that the deceased was assaulted by the applicant and the other co-accused in furtherance of the common intention, the custodial interrogation of the present applicant is also required for seizure of the weapon which is used by him. In view of that and considering the *prima facie* case and the evidence collected during the investigation, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)