



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

CRIMINAL APPLICATION (ABA) NO.481 OF 2025

Ajay Santosh Kale

Vs.

State of Maharashtra, through Police Station Officer, Washim City, 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. P. R. Agrawal, Counsel for the applicant.
Mr. Anant Ghogre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/08/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.464/2025 registered with Police Station Washim City, for the offence punishable under Sections 191(3), 191(2), 191(1), 190, 189(4), 189(2), 127(1), 109 of the Bhartiya Nyay Sanhita (BNS) Act, 2023, the applicant approached to this Court for grant of pre arrest bail.

2. Heard learned Counsel for the applicant who submitted that crime is registered on the basis of a report lodged by Mohammad Iliyaz Abdul Rajjak on an allegation that there is a previous quarrel between him and the present applicant and the other co-accused on that count. On 12.05.2025, the present applicant and other co-accused came holding weapons in their hands and assaulted one Sheikh

Tajim by means of Axe, due to which, the said Sheikh Tajim has sustained grievous injury. Learned Counsel submitted that as far as the present applicant is concerned, there is no specific allegations against him that he has either assaulted by anybody. As far as the custodial interrogation is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed for the same and submitted that the applicant is absconding since the date of the registration of the crime. The Chief Judicial Magistrate, Washm has already issued the warrant on 06.06.2025 i.e. before passing an interim order. This fact is not informed in the application. The criminal antecedents are not mentioned in the application. He submitted that the facts are suppressed by the present applicant. As far as the merits of the matter is concerned, he submitted that in furtherance of common intention, the injured was assaulted by the present applicant as well as the other co-accused. He invited my attention towards the investigation papers and submitted that specific role is attributed to the present applicant as far as the assault is concerned, and therefore, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals that the allegation

against the present applicant is that he was present at the time of the incident, his involvement also appears to be there in the actual assault on the injured as well as the informant. At the time of filing the application, the arrest warrant was already issued against the present applicant, but this fact was not mentioned in the application. Criminal antecedents are also not mentioned in the application. Thus, the applicant has suppressed the facts before this Court and therefore, the ad-interim protection granted to the present applicant deserves to be cancelled. In view of that, I Proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)