



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

CRIMINAL APPLICATION (BA) NO. 810 OF 2025

Aavesh Kanhaiya Chatre 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. D.P.Mehta, counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/08/2025.

1. The present applicant is arrested on 26/04/2024 in connection with Crime No. 261 of 2024 registered with Police Station Gondia City for the offence punishable under Sections 307, 504 read with Section 34 of the Indian Penal Code, 1860.

2. The crime was registered based on a report lodged by Sunil Dhanraj Wanjari, a police constable, alleging that on 17/04/2024, he was on duty and returned home at around 11:30 p.m. On 20/04/2024, at about 8.00 p.m., he attended the marriage, and at about 10.20 p.m., the bridegroom arrived at the marriage hall. At the relevant time, he was communicating with the other persons who were present for attending the said marriage and outside the said Samaj Bhavan, two to three persons approached him and informed him that some boys were requesting to start the DJ. Therefore, he went inside the house and

informed the present applicant and the other co-accused not to play the D.J., as the time is already over. However, the present applicant and other co-accused had an altercation of words with him and assaulted him by means of a knife. As far as the present applicant is concerned, it is alleged that the present applicant took out the knife and gave repeated blows on his head and on the face. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the alleged eyewitnesses are the purported eyewitnesses, as far as the allegation levelled against the present applicant is concerned, which is baseless. He invited my attention towards the information that was received earlier to the lodging of the FIR, wherein the names of the present applicants are not mentioned. He submitted that as far as the nature of the crime is concerned, the injured man is now discharged from the hospital. There is no apprehension of death and further custodial interrogation is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that considering the repeated blows given on the face and the head of the deceased, and considering the nature of the injuries, that repeated

blows were given, and that all five injuries are found on the person of the injured, which are grievous in nature.

5. He invited my attention towards the medical certificate and submitted that due to the assault, the focal skin defect along the left upper abdomen region with adjacent scarring and small air foci in intermuscular planes was seen by the medical officer. There was a fracture of the left 10th rib laterally. As far as the injuries of the face are concerned, he submitted that there was a focal subtle depressed fracture of the left frontal bone in the high frontal region along the midline with overlying soft tissue swelling and subtle underlying hyperdensity. The surgical treatment was given, and after treatment, he was discharged from the hospital. There are criminal antecedents against the present applicant. In all, 17 offences are registered against him under the Maharashtra Prohibition Act and also under Sections 452, 324, 323, 427, 504, and 506 read with 34 of the IPC. Thus, after releasing him on bail for the earlier offences, his involvement appears to be there in another offences also. Thus, considering these aspects, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, it reveals that the injured was assaulted merely because he restrained the present applicant from playing the DJ. As far as the other reasons are concerned, no reason came forward before

the Court to show that there was any ulterior motive the informant had to implicate the present applicant in the alleged offence. The first medical certificate indicates that the injured sustained four injuries, allegedly inflicted by Vishal using a hard and blunt object. After he sustained the injuries, he was immediately referred to the hospital. The certificate of Sahayog Hospital shows that all injuries, i.e. five in number, are grievous in nature, and he was kept under observation after the CT scan.

He further said that the nature of the treatment shows that the depressed fracture of the left frontal bone in the high frontal region was there, and as far as the abdominal injury, which was attributed to the co-accused, is concerned, it shows that the injury sustained on the abdomen was a serious injury. The statements of the eyewitnesses were also recorded during the investigation, which shows the involvement of the present applicant in the alleged offence.

7. Learned counsel for the applicant, though, placed reliance on the T.I. parade and submitted that the present applicant was not identified during the T.I. parade, but considering that the name of the present applicant was subsequently mentioned by the informant in the first information report. The act attributed to the present applicant, and the statements of the eyewitnesses discloses the involvement of the present

applicant in the alleged offence. Considering the involvement and the criminal antecedents, the 17 offences are registered against the present applicant shows that he is a habitual offender. Though it is true that the criminal antecedents is not sufficient to reject the bail application of the applicant/accused, considering the nature of the offences registered against the present applicant, his presence in the marriage ceremony along with the weapon, and the assault on the injured, who is a police constable, only on the count that he asked to not to play the DJ, and the injuries sustained on the vital part of the body.

8. In view of the above circumstances, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

- a] The criminal application is **rejected**. However, the applicant is at liberty to approach this Court after nine months, if there is no substantial progress in the trail.

[URMILA JOSHI-PHALKE, J.]