



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

CRIMINAL APPLICATION (ABA) NO. 538 OF 2025

Gajanan s/o Dagdu Mule and another 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. Mohan Agrawal, counsel h/f Mr. S.V. Sirpurkar, counsel for applicants.
Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/08/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 150/2025 registered Police Station, Dongaon, Buldhana for the offence punishable under Sections 118(1), 115(2), 352, 351(2), 351(3), 74, 75, 76, 189(2), 191(2), 191(3) and 190 of the Bhartiya Nyaya Sanhita, 2023, the applicants approached this court for grant of pre-arrest bail.

2. Heard learned counsel for the applicants, who submitted that, due to the previous enmity, this false FIR was lodged. He submitted that, even accepting the recitals of the FIR, it was the applicant no. 2 who assaulted the injured. As far as the applicant No.1 is concerned, no overt-act is attributed to him. Moreover, investigation is already completed, and custodial interrogation of the applicants is not required. In view of that, they be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that it was the applicant No. 2 who had given the blow of axe on the vital part of the body. The injured has sustained the grievous injuries. The weapon of the offence is came to be recovered. In view of that, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, as far as the applicant no.1 is concerned, to whom the overt-act is not attributed. Initially, it is wrongly mentioned that applicant No. 2 has not assigned with the overt-act but it is the applicant no.1 who was not assigned any overt-act. As far as applicant no.2 is concerned, there is specific allegations that he has assaulted the injured by means of axe and the fracture injury was sustained by the injured. Considering the overt-act is attributed to the applicant No. 2, his application for grant of anticipatory bail deserves to be rejected. Whereas the prayer of the applicant No.1 for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is allowed.
- b] In the event of arrest, the applicant No.1- ***Gajanan s/o Dagdu Mule*** shall be released on anticipatory bail in connection with Crime

No. 150/2025 registered Police Station, Dongaon, Buldhana for the offence punishable under Sections 118(1), 115(2), 352, 351(2), 351(3), 74, 75, 76, 189(2), 191(2), 191(3) and 190 of the Bhartiya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The application of the applicant No.2 for grant of anticipatory bail is hereby **rejected**.
- d] The applicant No.1 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicant No.1 shall attend the concerned police station as and when required for the investigation purpose on issuance of notice in advance of seven days.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]