



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

CRIMINAL APPLICATION NO. 126 OF 2024

Bhagwat Kashiram Wabale

Vs.

State of Maharashtra, Thru. PSO, PS Ansing, Dist. Washim and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.V. Tharkar, Advocate h/f Mr. R.D. Karode, Advocate for
applicant.
Ms. Mayuri Deshmukh, APP for non-applicant No.1/State.
Ms. R.G. Kavimandan, Advocate for respondent Nos.2 & 3.

CORAM : RAJNISH R. VYAS, J.

DATE : 10.10.2025

This is an application for cancellation of bail
preferred by original complainant.

2. Heard the learned counsel for the respective
parties.

3. The original complainant has filed First
Information Report bearing Crime No.135/2024 dated
19.05.2024 for commission of offences punishable under
Section 307, 326, 506 read with Section 34 of the Indian
Penal Code.

4. In short, it is the case of the prosecution that on the date of incident accused persons assaulted the original complainant and others by means of iron rod and the stone. Thereafter, the injured were forwarded to the medical examination. After medical examination, it was opined that injury suffered by the victim was of grievous nature. Accordingly, accused persons were arrested on 26.06.2024 and remanded to the police custody till 27.06.2024. On 27.06.2024, Investigating Officer had prayed for remanding accused to the magisterial custody. Thereafter, the accused filed bail application before the Additional Sessions Judge, Washim, which was allowed vide order dated 04.09.2024.

5. I have gone through the record and perused the order dated 04.09.2024. The order discusses various material on record including version advanced by eyewitness namely Tousif Khan Jiya Khan, who was working as a Mason on the construction site of the accused persons. While granting the bail, the Court has also taken into consideration the nature of injury so also weapon used. Presently, it cannot be said that there is any likelihood of escalation of the offence. The question whether there was intention or knowledge to commit an offence under Section 307 of the Indian Penal Code can be decided during the course of trial.

6. It is also the contention of the learned counsel for the applicant that non cognizable receipt dated 07.12.2024 was issued since accused persons have threatened him. Nothing has been produced on record to show that non cognizable receipt was taken to a logical end either by taking recourse to Section 155 or other statutory provision.

7. Though learned Assistant Public Prosecutor has supported the stand taken by the original complainant. I do not find that interference in the order is required, considering the fact that now the charge-sheet is also filed. The applicants/original complainant always has an opportunity to file appropriate application, if there is threat to his life. Presently no such material is brought on record. In that view of the matter, criminal application being devoid of any substance is rejected.

(Rajnish R. Vyas, J.)