



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

CRIMINAL APPLICATION (ABA) NO. 822 OF 2024

Ashik @ Golu Bandu Kumare 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. Avinash Y. Kapgate, counsel for applicant.

Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/02/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.951/2024 registered with Police Station Wani, District - Yavatmal for the offences punishable under Sections 352, 351(3), 351(2), 126(2) and 118(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. As per the accusation against the present applicant on the basis of report lodged by Pravin @ Ravi Vijaylal Jaiswal that present applicant is in the habit of raising quarrels and he has threatened him as well as assaulted him by means of handle of the axe. He has also sustained grievous injuries in this scuffle, as the handle of the axe hit against his head. On the basis of the said report, police have registered the crime.

3. Heard learned counsel for the applicant, who submitted that the applicant has already produced his

motorcycle, as far as his custodial interrogation is concerned, which is not required. Though this Court has asked to produce the axe, the axe was not brought by the present applicant, and he is not aware of the whereabouts of the said axe.

4. In support of his contention, he placed reliance on decision of the Karnataka High Court in the case of *Bhavani Revana Vs State of Karnataka, represented by Special Public Prosecutor [2024 SCC OnLine Kar 57]*.

5. He further submitted that considering the injured is concerned, he is already discharged from the hospital, the custodial interrogation of the present applicant is not required. In view of that, interim protection granted to the present applicant deserves to be confirmed.

6. Learned APP strongly opposed the said application on the ground that the axe is to be recovered. He submitted that the investigation papers itself disclose that the axe was brought by the present applicant and it is to be recovered from present applicant, and therefore, custodial interrogation is required.

7. After hearing both sides and on perusal of the recitals of the FIR as well as other investigation papers, from which it reveals that the injured has sustained a grievous injury of a future lacerated wound over his scalp, i.e. on the vital part of the body. The statement of the injured and other witnesses shows the involvement of the

present applicant in the alleged incident. The motorcycle, which was used in the commission of the crime, is already produced by the present applicant. As far as the injuries sustained by the injured is concerned, which is on the vital part of the body. From the investigation papers, it further reveals that it was the present applicant who has brought the said axe, but he is not cooperating with the investigating agency by saying that he is not aware of the whereabouts of the axe. Considering the grievous injuries sustained by the present applicant and the recovery of the axe as a necessary part of the investigation, his custodial interrogation is required.

8. In view of the above facts and circumstances, the application deserves to be rejected.

[URMILA JOSHI-PHALKE, J.]