



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

CRIMINAL APPLICATION (ABA) NO. 829 OF 2024

Manish S/O Rajkumar Sadmak 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. G.D. Dani, counsel for applicant.

Mrs. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/01/2025.

1. Apprehending the arrest at the hands of police in connection Crime No. 263/2024 registered with Police Station Desaiganj, Gadchiroli for the offence punishable under Sections 3(5), 115(2), 109 of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Sifanuddin Sarfuddin Sayyed on an allegation that when he, along with his friend Shankar Nandanwar, was standing at Lakhandur T-Point at the relevant time, the present applicant, along with the co-accused, came on his motorcycle and drove the motorcycle towards the person of Shankar. On that count, there was a dispute between them, and during that dispute, the injured was assaulted by the present applicant by throwing the brick at his person. Due to which he has sustained the injury on his head. On the basis of the said report, police have registered the crime.

3. Learned counsel for the applicant submitted that it is a sudden fight and a sudden quarrel, the incident took place, and there was no preparation at the hands of the present applicant. The said brick is already seized by the police therefore, custodial interrogation of the present applicant is concerned, which is not required. The injury sustained by the injured is also simple in nature, and he is discharged from the hospital. So there is no apprehension regarding the death of the injured, in view of that, the applicant be released on anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the query report of the medical officer shows that the brick, which was used in the commission of the crime is a heavy brick and the injured has sustained grievous injuries in the nature of fracture injury. In view of that, the application deserved to be rejected.

5. After hearing both sides and on perusal of the recitals of the FIR and the investigation papers, the major role is attributed to the present applicant that he is the person who thrown brick at the person of the injured, due to which the injured has sustained the injuries. As far as the injury certificate is concerned, which shows that he has sustained the lacerated wound over the occipital region and abrasion on his hands and ring finger. Both injuries are simple in nature. As far as the fracture injury is concerned, which is shown as a suspected fracture. Considering the fact that the brick which was lying there was used by the present

applicant for assaulting the injured. Thus, there was no preparation. During the sudden fight, the alleged incident has occurred. In view of that, the application deserved to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
 - b] In the event of his arrest, in connection with Crime No.263/2024 registered with Police Station Desaijanj, District Gadchiroli for the offence punishable under Sections 109, 3(5), 115(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant – Manish s/o Rajkumar Sadmake, shall be released on anticipatory bail, on executing PR.Bond of Rs.25,000/- with one solvent surety in the like amount.
 - c] The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m., till filing of the charge-sheet and shall hand over the vehicle papers and shall cooperate with the investigation agency.
 - d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]