

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 844 OF 2025

(Awaus Khan Anis Khan Vs. State, thr PSO, PS Shivaji Nagar, Tq. Khamgaon, Dist
Buldhana)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.V. Sirpurkar, Advocate for applicant.
Ms. H.N. Prabhu, APP for respondent/State.

CORAM : M.W. CHANDWANI, J.
DATE : 17.01.2026.

Heard.

2. The applicant seeks anticipatory bail in connection with Crime No. 237/2025, registered with Shivaji Nagar Police Station, Tq. Khamgaon, Dist Buldhana, for the offences punishable under Sections 109,115(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. It is submitted by learned counsel for the applicant that the quarrel was started at the instance of the other co-accused. The other co-accused, who has started the quarrel has already been released on regular bail. According to the learned counsel for the applicant, the offence punishable under Section 109 is not made out. He submits that most part of the investigation is over and hence, he prays for anticipatory bail.

4. Per contra, the learned APP objected the application on the ground that the applicant is the main assailant in the crime. The victim was admitted in the hospital for 5 to 6 days. The

investigation is at a primary stage, the crime weapon i.e. the Knife is to be recovered and hence, she sought rejection of the application.

5. Having heard the learned counsels for the respective parties and having gone through the case diary, it appears that on 2.8.2025, at about 4.30 p.m., the co-accused namely Ajaj Khan started quarreling with the complainant on account of throwing garbage in front of the house of the co-accused Ajaj Khan and assaulted the complainant by fists blows.

6. Applicant Awaus Khan came there along with a knife. Co-accused Ajaj Khan caught hold of the hands of the husband of the complainant; whereas, the present applicant unleashed knife blow on the abdomen of the husband of the complainant, whereby he sustained bleeding injury. The injured was taken to Silver City Hospital, Khamgaon, and the aforesaid offences came to be registered. Hence, she prayed for rejection of the application.

7. The main role of unleashing the knife blow has been assigned to the present applicant. The knife is to be recovered from the applicant, for which custodial interrogation is necessary. Considering the role assigned to present applicant, nature of injury sustained and punishment prescribed for the said offence; in my opinion, no case is made out for anticipatory bail. Hence, the application is rejected.

JUDGE