



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

CRIMINAL APPLICATION [ABA] NO. 864 OF 2025

MANOHAR S/o JAYAVANTA SHITOLE AND ANOTHER

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., ANDHERA, DIST. BULDHANA

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. A. B. Moon, Advocate for the applicants.
Mrs. H. N. Prabhu, A.P.P. for the non-applicant/State
Ms. Payal Kaware, Advocate appointed for the complainant

CORAM : M. W. CHANDWANI, J.

DATE : JANUARY 12, 2026.

1. Heard the learned counsel appearing for the applicants, the learned APP for the non-applicant/State and the learned counsel appointed for the complainant.
2. The applicants are apprehending their arrest in connection with Crime No. 284/2025 registered with Police Station, Andhera, Tq. Deulgaon Raja, Dist. Buldhana for the offences punishable under Sections 3(5), 351(2), 126(2), 109 of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecution case is that the field of the applicants is situated at a distance from the field of the complainant. Since, the cattle of the applicants/accused entered into the field of the complainant, a quarrel took place between the brother of the complainant and the applicants. When the brother of the complainant was returning from the field, the applicants restrained him and beat him. The allegation against the applicants is that

applicant no.1 gave Axe blow on the head of the victim and caused grievous hurt to him; whereas applicant no.2 allegedly pelted stones on the victim. The Axe allegedly used by applicant no.1 is already recovered from his son/co-accused.

4. According to the learned counsel for the applicants, the investigation is completed and charge-sheet has been filed. There is no need of custodial interrogation of the applicants.

5. The application is opposed by the State on the ground that active role has been played by the applicants. Rather, applicant no.1 is the person who assaulted the victim by means of Axe on his head. Applicant no.1 is the main accused and applicant no.2 also played a vital role in the quarrel by pelting stones on the victim.

6. Having heard the learned counsel for the applicants and the learned APP and having gone through the case diary, it appears that the role assigned to applicant no.1 is that he assaulted the victim by means of Axe on his head, thereby causing severe bleeding injury. Thus, the main role is attributed to applicant no.1.

7. It appears that the clothes of applicant no.1 are required to be recovered. No doubt, the charge-sheet has been filed and the Axe allegedly used in the crime has been recovered at the instance of the co-accused, the son of applicant no.1. However, it will not dilute the role played by applicant no.1 in the said crime since, it is the case of the prosecution that the Axe used in the crime is

recovered at the instance of his son/co-accused. The case diary shows that assault by means of Axe is attributed to applicant no.1. Thus, considering the role attributed to applicant no.1, no case is made out for grant of anticipatory bail.

8. So far as applicant no.2 is concerned, though there are allegations of her active participation in the crime, the role attributed to applicant no.2 is of pelting stones, which did not cause any grievous injury to the victim/complainant. Therefore, considering the role attributed to applicant no.2, a case is made out for grant of anticipatory bail to her.

9. In view of the above, the application is partly allowed.

10. The anticipatory bail application of applicant no.1 – Manohar S/o Jayavanta Shitole is rejected.

11. The anticipatory bail application of applicant no.2 – Smt. Parvata W/o Manohar Shitole is allowed.

12. In the event of arrest of applicant no.2 – Smt. Parvata W/o Manohar Shitole in connection with Crime No. 284/2025 registered with Police Station, Andhera, Tq. Deulgaon Raja, Dist. Buldhana for the offences punishable under Sections 3(5), 351(2), 126(2), 109 of the Bharatiya Nyaya Sanhita, 2023, she be released on bail on furnishing a PR bond of Rs.20,000/- (Rupees Twenty thousand only) with one solvent surety in the like amount.

13. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer

and cooperate with the investigating agency.

14. The fees of the learned counsel appointed for the complainant be quantified as per the rules and accordingly paid to her.

(M.W.Chandwani, J.)

Diwale