



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

CRIMINAL APPLICATION (ABA) NO. 209 OF 2026

(Sharad Damodhar Surkar Vs. State, thr PSO, PS Allipur, Tq. Hinganghat, Dist. Wardha)

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

Court's or Judge's orders.

Mr. A.S. Shukla, Advocate for applicant.
Mr. A.M. Ghogare, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 22.04.2026

Heard.

2. Apprehending arrest, the original accused no. 1 Sharad has approached this Court in connection with FIR No. 59/2026, dated 11.2.2026, registered with Police Station Allipur, Dist. Wardha, for the offences punishable under Sections 118(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Two accused are named in the FIR, who are real brothers. Accused no. 2 Vinod, has already been granted anticipatory bail by the Additional Sessions Judge, Court No.2, Hinganghat vide order dated 26.2.2026.

4. The learned counsel for the applicant has submitted that the assault was not pre-meditated and that the weapon used cannot be called as a dangerous. He further submitted that even injury was not serious/grievous and the applicant has attended the police station as per the direction issued by this Court on 18.3.2026 while granting ad-interim anticipatory bail. He also

submitted that the stick allegedly involved in the commission of the offence has already been seized by the Investigating Officer. Per contra, the learned APP has contended that nature of injury i.e. a fracture of the neck of left fibula which is grievous in nature and therefore, prayed for rejection of the application.

5. With the assistance of the learned counsel for the respective parties, I have gone through case record.

6. The informant Manish Zade has alleged in the FIR that he and applicant are residents of the same village and that their fields are situated adjacent to each others. On several occasions, the applicant has taken the vegetables from the field of the informant, without permission.

7. It is alleged that on 11.2.2026, the informant the found accused persons quarreling with his father. At that time, the applicant and co-accused started abusing the father of the informant. It was further alleged that by means of a stick, the father of the informant was assaulted on his hands and legs. When the informant tried to intervene, he was also assaulted by the applicant and the co-accused.

8. Perusal of the FIR prima facie reveals that the incident which had taken place was not pre-meditated. The FIR is silent about the role played by the applicant. Further, the applicant has attended the police station and surrendered the weapon of offence, which fact is not disputed by the learned APP.

9. Considering the aforesaid aspect, the following order is passed:

ORDER

- i) The application is allowed and disposed of.
- ii) In the event of arrest in connection with Crime No. 59/2026, dated 11.2.2026, registered with Police Station Allipur, Dist. Wardha, for the offences punishable under Sections 118(1), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.
- iii) The applicant, shall attend the Police Station and shall cooperate with the investigating agency.
- iv) The applicant shall not tamper with the prosecution evidence or threaten the prosecution witnesses.
- v) The applicant shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)