



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

CRIMINAL APPLICATION (ABA) NO. 341 of 2026

(Ishwar s/o Shrikrushna Mate and anr Vs. State, thr PSO PS Hingana, Dist. Nagpur)

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

Court's or Judge's orders.

Mr. M.V. Rai, Advocate for applicants.
Mr. N.R. Rode, APP for non-applicant/State.
Mr. M.N. Agrawal, Advocate to assist the prosecution.

CORAM: RAJNISH R. VYAS, J.

DATE: 07.05.2026

Heard.

2. Apprehending arrest, the applicants are before this Court in connection with Crime No.75/2026, dated 13.4.2026, registered with Police Station Hingana, Dist. Nagpur, for the offences punishable under Sections 184, 134, 177, 118(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel for the applicants named in the FIR has argued as under:

- i) The applicant no.1 is the brother of the informant whereas the applicant no. 2 is mother;
- ii) The informant is in habit of lodging the FIRs;
- iii) The dispute is amongst the family members;
- iv) Custodial interrogation is not required.
- v) The incident has taken place on 10.4.2026 and the report is lodged on 13.4.2026 and the delay is not at all explained by the prosecution; and
- vii) Though the informant was examined by the

medical officer, the information was not supplied to the police authority immediately.

4. *Per contra*, the learned APP has argued thus:
- i) *Prima facie* case is made out against the applicants;
 - ii) The statement of witnesses, more particularly, of the transporter clearly shows that the applicant no.1 had given repeated dash to the informant by his car;
 - iii) The injury certificate supports the version advanced in the FIR;
 - iv) Though, the applicant and the informant are the family members, that would not be a ground enough to extend the benefit of anticipatory bail;
 - v) The injury report of the informant speaks volume for itself;
 - vi) The delay in lodging the report itself would not be a ground to grant anticipatory bail.

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

6. The applicant no. 1 is brother and applicant no. 2 is the mother of the informant.

7. In short, it is alleged in the FIR that the building of the Ahilyadevi Holkar Ashram School, Ukhali was in

possession of the applicants and one Kundan Mate, brother of the informant. The informant of the crime was cashier attached to the said school. It was alleged in the FIR that as the building was in dilapidated condition, in order to secure safety of the students, and as directed by the superior, the informant had taken the students to the other school. As the desk and benches so also almirahs were at the school at Ukhali, the informant told one Prakash Sawarkar that these articles would be taken from school at Ukhali to school at Chandewani, Taluka Karanja. It was further alleged in the FIR that on 10.04.2026, a report was lodged by the applicants with Hingna Police Station against the informant for taking the aforesaid articles. The applicant then took the transport vehicle in the school premises. According to the FIR, on 14.04.2026 at about 02.00 pm, when the informant was in the school premises, the applicant no.1 gave repeated dashed to the informant by the vehicle due to which he sustained the injuries including fracture. It was alleged that applicant no.1 went alongwith the applicant no.2. It is this instance which has triggered registration of FIR.

8. In this background, if the injury report is seen, it would be crystal clear that the informant has received several injuries which are of grievous nature. The documents produced on record, more particularly, the photographs of the vehicle used clearly show that the vehicle was in a damaged condition. The statement of witness Dhanlal Thakare who was in a Eisher vehicle shows that applicant no.1 had given several dashed to the informant. Thus, *prima facie*, case is made out

against applicant no.1 So far as contention of the learned counsel for the applicants is concerned that though, the incident had taken place and the informant was examined by the medical officer, the information was not given to the police authority, suffice it to say that that itself is not a ground to grant anticipatory bail. The version advanced in the FIR gets support not only from the statement of witnesses but also from the medical papers on record. As regards lodging of FIR is concerned, suffice it to say that the applicant had sustained the injury and therefore, at this stage, would not fatal be to the case of the prosecution.

9. In this background, I am of the opinion that the applicant no.1 who has given repeated dashes by his vehicle to the informant, is not entitled to bail.

10. So far as applicant no.2 who is mother of the informant is concerned, only allegation made against her is that she was sitting in the same car which was driven by the applicant no.1. No specific allegations are made against applicant no.2 to show that she was also involved in causing the injury to the informant. Applicant no. 2 had already attended the police station and cooperated with the Investigating Agency as directed by this Court while granting ad interim anticipatory bail which fact is not even disputed by the learned APP.

In view of the aforesaid discussion, the following order is passed:

ORDER

i) The Criminal Application of applicant no. 1 namely Ishwar s/o Shrikrushna Mate is rejected

ii) Criminal Application of applicant no. 2 Megha wd/o Shrikrushna Mate is allowed.

iii) In the event of arrest in connection with Crime No. 75/2026, registered with Police Station Hingana, Dist. Nagpur, for the offences punishable under Sections 184, 134, 177, 118(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant no. 2 Megha wd/o Shrikrushna Mate, 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.

iv) The applicant no. 2 Megha wd/o Shrikrushna Mate shall attend the concerned Police Station as and when directed by the Investigating Agency and shall cooperate in investigation.

v) The applicant no. 2 Megha wd/o Shrikrushna Mate shall not tamper with the prosecution evidence or threaten the prosecution witnesses.

vi) The applicant no. 2 Megha wd/o Shrikrushna Mate shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)