



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

CRIMINAL APPLICATION (ABA) NO.695 OF 2023

[Dilip Eknath Jadhav ..V/s.. State of Maharashtra.]

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

Court's or Judge's order

Mr R. M. Daga, Advocate for Applicant.
Ms M. Kavimandan, APP for Non-Applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 11th DECEMBER, 2023.

. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.348 of 2023 registered under Sections 143, 147, 148, 324, 326, 337, 504 and 506 read with Section 149 of the Indian Penal Code, 1860.

2. Mr Daga, learned counsel for applicant, submitted that the applicant is apprehending arrest at the hands of Police as crime is registered against him on the basis of report lodged by Suwarnamala Padmakumar Mahajan, wherein she has alleged that the present applicant alongwith the other co-accused assaulted some persons, who belong to the Digambar Panth. The quarrel was started on account of entering into the temple. He further submitted that this was a dispute between Shewtambari and Digambari and two cross complaints are registered against each other. He further submitted that as far as the role of the present applicant is concerned, only his name is mentioned and no other role is attributed to him.

3. Per contra, learned Additional Public Prosecutor submitted that the present applicant alongwith the other

co-accused in furtherance of their common object assaulted the persons, who belong to the Digambar Panth and therefore, the custodial interrogation is required and pressed for rejection of the application.

4. Having heard the learned counsel for the applicant and learned APP, perused the recitals of the FIR and investigation papers. The statements and the recitals of the FIR show that the presence of the present applicant as far as the assault is concerned, no specific role is attributed to the present applicant and no weapon is assigned to him. The allegation of the assault is against the other co-accused persons. Injuries sustained by the injured are also of simple nature. Considering that no weapon is assigned to the present applicant and hence, his custodial interrogation is not required.

5. In view of that application deserves to be allowed. Accordingly, I proceed to pass the following order :

ORDER

- i) The criminal application is **allowed**.
- ii) The applicant – Dilip S/o. Eknath Jadhav be released on anticipatory bail, in the event of his arrest in connection with Crime No.348 of 2023 registered under Sections 143, 147, 148, 324, 326, 337, 504 and 506 read with Section 149 of the IPC, on executing P.R. Bond in the sum of Rs.20,000/- with one solvent surety of like amount.

iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate in the investigation.

[iv] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

6. The criminal application is disposed of.

JUDGE