



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

CRIMINAL APPLICATION (ABA) NO. 389 OF 2024

Shuddhamati w/o Siddharth Tirpude and another. V/s State of Maharashtra

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

Court's or Judge's Order

Mr. Piyush Rewatkar, counsel h/f Mr. C.R. Thakur, counsel for the applicants.
Ms. T.H. Udeshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/07/2024.

1. By this application, the applicants are seeking anticipatory bail, in connection with Crime No. 380/2024 registered with Police Station Gittikhadan, District Nagpur for the offences punishable under Section 307, 326, 295, 294 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that on 18.05.2024, in the Lord Hanuman Temple, some religious function was going on. At that time, there was a scuffle between the two groups, and in that scuffle, both the group members sustained the injuries. He submitted that, as far as present applicant No.1 is concerned, against whom the allegation is that she has thrown the chilly powder, whereas the applicant No.2 – Vinkesh is concerned, he was caught hold the shirt collar of the informant and assaulted him by fist and kick blows.

3. He submitted that the co-accused against whom the allegation of assault by the wooden log is levelled is already released on bail by this Court in the event of the arrest. He also submitted that, considering the role of the present applicants and considering the fact that the accused, against whom the allegation of the assault by the wooden log is levelled, is already released on bail. In view of that, the present applicants be released on bail.

4. Learned APP strongly opposed the present application on the ground that the applicants in furtherance of the common intention have assaulted the injured by means of wooden rafter and therefore, the application deserves to be rejected.

5. After perusal of the entire investigation papers and the recitals of the FIR, it reveals that during the religious function, the rift was between the two groups on the ground of reducing the volume of the speaker, which resulted into scuffle. Both party members have sustained the injuries in the said incident. As far as the custodial interrogation is concerned, the allegation against the present applicants is that applicant No.1 has thrown the chilly powder and applicant No.2 has assaulted by means of fist and kick blows. Thus, nothing is to be recovered from the present applicants, as far as the weapon of the wooden rafter is concerned, which is already seized. Considering the same, the interim protection granted to

the present applicants deserves to be confirmed.
Accordingly, I proceed to pass the following order:

- (i) The criminal application is allowed.
- (ii) The ad-interim protection granted to the present applicants by order dated 04.06.2024 is hereby confirmed on the similar terms and conditions.

The application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]