



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

CRIMINAL APPLICATION (ABA) NO. 390 OF 2024

Aman Madan Yadav 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. S.O. Ahmed, counsel for applicant.

Mr. N.B.Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 18/06/2024.

1. Apprehending the arrest at the hands of Police, in connection with Crime No. 315/2024 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 143, 147, 148, 307, 504 read with Section 149 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Rajesh Laxinarayan Dube dated 25/03/2024 on an allegation that his son namely Suraj Dube resides alongwith his family besides his house. Since many years, there is a property dispute between the informant and the said Suraj Dube. On 24/03/2024 at about 10.30 p.m., when the informant alongwith his family was sleeping at his home. At that time, the elder daughter of the informant Sakshi made a telephonic call to him and informed him that someone is throwing stones at their house. Immediately, he went outside the house and saw that

the present applicant alongwith the other co-accused was standing. There was a scuffle between them, and in that scuffle, the injured was assaulted by the co-accused. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, except his presence, no overt-act is attributed to him. The CCTV footage is also collected by the investigating officer, and from the CCTV footage also, no role is attributed to the present applicant. As far as the injuries sustained by the injured are concerned, which are caused by the other co-accused. Considering the role of the present applicant, his custodial interrogation is not required and therefore, he be protected by granting anticipatory bail.

4. Though, learned APP strongly opposed the said application, however, submitted that considering the injuries sustained by the injured which is a result of assault with a common object on him, and therefore, the application of the present applicant deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. There is no dispute as to the fact that the injured has sustained the grievous injuries and still he is under treatment. As far as the present applicant is concerned, except his presence at the spot of the incident, no overt-act is attributed to him. Even CCTV Footage transcript is also

placed on record which was collected during the investigation. It shows that except the presence, no other role is attributed to the present applicant. During the statement under Section 164 Cr.P.C. wife of the injured has attributed the role to the present applicant mentioning that he assaulted the injured by giving him a blow by sword on his back. But this statement is not corroborated by a medical certificate, as no injury is found on his back. In the initial statement, said wife of the injured has not attributed any role to the present applicant. Considering the entire investigation papers, it reveals that except for the presence of the present applicant, no overt-act is attributed. In view of that, custodial interrogation is not required, as nothing is to be recovered from him. Therefore, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a) The criminal application is **allowed**.
- b) In the event of his arrest, the applicant – Aman Madan Yadav, in connection with Crime No. 315/2024 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 143, 147, 148, 307, 504 read with Section 149 of the Indian Penal Code, 1860, shall be released on anticipatory bail on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]