



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

CRIMINAL APPLICATION (ABA) NO.660 OF 2024

(Shri Sachin s/o Shankarprasad Agnihotri Vs. The State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.661 OF 2024

(Shri Suraj s/o Pradip Agnihotri Vs. The State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.695 OF 2024

(Aditya s/o Sanjay Agnihotri and anr. Vs. 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

ABA No.660/2024 and ABA No.661 of 2024

Mr. A.S. Mardikar, Senior Advocate a/b Mr. V.S. Kukday, Advocate for the applicants.

Ms T.H. Udeshi, A.P.P. for the State.

ABA No.695/2024

Mr. S. Dharmadhikari, Senior Advocate a/b Mr. R.A. Bhandakkar, Advocate for the applicant.

Ms T.H. Udeshi, A.P.P. for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- OCTOBER 22, 2024.

By these applications, the applicants are seeking pre-arrest bail.

2. Though crime number and Sections under which the crime is registered are different, and therefore, details of the same are being separately mentioned in these applications.

3. **Criminal Application (ABA) No.660/2024** : In this application, the applicant – Shri Sachin s/o Shankarprasad Agnihotri is seeking pre-arrest bail in connection with Crime No.767/2024 registered with Police

Station Ramnagar, Wardha, District Wardha for the offences punishable under Sections 109(1), 118(1), 191(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

4. **Criminal Application (ABA) No.661/2024** : In this application, the applicant – Shri Suraj s/o Pradip Agnihotri is seeking pre-arrest bail in connection with Crime No.767/2024 registered with Police Station Ramnagar, Wardha, District Wardha for the offences punishable under Sections 109(1), 118(1), 191(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

5. **Criminal Application (ABA) No.695/2024** : In this application, the applicants – 1) Aditya s/o Sanjay Agnihotri and 2) Girish s/o Lakhanlalji Agnihotri are seeking pre-arrest bail in connection with Crime No.766/2024 registered with Police Station Ramnagar, Wardha, District Wardha for the offences punishable under Sections 109(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. Learned Senior Counsel for the applicants in Criminal Application (ABA) Nos.660/2024 and 661/2024 submitted that there are cross complaints filed against each other. The quarrel started between both the parties on account of removal of the banner. The co-accused - Suraj s/o Pradip Agnihotri has lodged the initial complaint and to give a counter blast to the said complaint the false report bearing Crime No.767/2024 is lodged. He has submitted that as far as the allegations against the present

applicants are concerned which are to the extent of assault by wooden log on the left leg of the informant. As far as the applicants in Criminal Application (ABA) No.695/2024 is concerned, the allegation is that during the scuffle knife was also used and the said knife is recovered from the applicant - Suraj s/o Pradip Agnihotri.

7. Learned Senior Counsel for the applicants submitted that as far as the investigation part is concerned for which the custodial interrogation of the applicants is required, is now not required as the alleged weapons are already recovered. They have already cooperated with the investigating agency. In view of that, they be protected by granting anticipatory bail.

8. Learned Senior Counsel for the applicant in Criminal Application (ABA) No.695/2024 submitted that there are cross-complaints filed against each other. The quarrel started between two families which initially was one family. The applicant No.1 – Aditya has also sustained the injuries in this incident. The applicants have already co-operated with the investigating agency. In view of that, they be protected by granting anticipatory bail.

9. Learned APP strongly opposed the said applications on the ground that considering the gravity of the offence that during the scuffle the injured have sustained the injuries which are grievous in nature. In view of that, the applications deserve to be rejected.

10. I have heard learned Senior Counsel for the applicants and learned APP for the State. Perused the investigation papers from which it reveals that during a free fight both the party members have sustained the injuries in the said incident. The conditions are imposed on the applicants while releasing them on ad-interim anticipatory bail. They have cooperated with the investigating agency. The incriminating weapon is already recovered from the applicant - Suraj s/o Pradip Agnihotri in Crime No.767/2024. In view of that, their custodial interrogation is not required. Hence, the interim protection granted to the applicants deserves to be confirmed. Hence, I proceed to pass the following order:

(i) The applications are allowed.

(ii) In the event of arrest, the applicants – Shri Sachin s/o Shankarprasad Agnihotri and Shri Suraj s/o Pradip Agnihotri in connection with Crime No.767/2024 registered with Police Station Ramnagar, Wardha, District Wardha for the offences punishable under Sections 109(1), 118(1), 191(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 and the applicants - 1) Aditya s/o Sanjay Agnihotri and 2) Girish s/o Lakhanlalji Agnihotri in connection with Crime No.766/2024 registered with Police Station Ramnagar, Wardha, District Wardha for the offences punishable under

Sections 109(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing a PR.Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iii) The applicants shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, personally or by way of electronic media.

(v) The applicants shall not indulge themselves in the similar type of the offences.

11. The contravention of any of the conditions imposed on the applicants would lead to the cancellation of bail.

12. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)