



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

CRIMINAL APPLICATION (ABA) NO. 675 OF 2024

Rahul s/o Bhikaji Wankhede and another 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

Mr. S.I.Ghatte, counsel for applicants.

Mr. S.A. Ashirgade, Addl. PP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 11/10/2024.

1. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.428/2024 registered with Police Station Jalgaon (Jamod), District Buldhana for the offences punishable under Sections 115(2), 3(5), 309(6), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The learned counsel for the applicant withdraws the application as far as applicant No.1 is concerned.

3. The crime is registered on the basis of a report lodged by Devendra Rameshchandra Raut, who is serving as a Manager in a Arya Wine Bar. As per his allegation on 20/08/2024, present applicants, along with the other co-accused, came in the wine shop, and applicant No. 1 assaulted him by means of the broken glass, whereas applicant No.2 has assaulted him by means of fist and kick blows, and applicant no.1 also snatched the amount of Rs.1500/-. On the basis of said report, police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants and learned APP for the State. Perused the investigation papers, from which it reveals that as far as applicant No.2 is concerned, to whom role is attributed only to the extent of assault by fist and kick blows. As the application for applicant No.1 is already withdrawn and therefore, considering the role of applicant No. 2, he has made out the case of grant of anticipatory bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of the arrest, the applicant No.2 – Nirbhay s/o Ravindra Ingle in connection with Crime No.428/2024 registered with Police Station Jalgaon (Jamod), District Buldhana for the offence punishable under Sections 115(2), 3(5), 309(6), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.
- c] The applicant No.2 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency till filing of the charge-sheet.

- d] The applicant No.2 shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.
- e] As far as applicant no.1 is concerned, the application is **disposed of** as withdrawn.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]