



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

CRIMINAL APPLICATION (ABA) NO. 709 OF 2024

Kiran s/o Santoshrao Kanadge 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.S. Deshpande, counsel for applicant.

Mr. H.D. Dubey, APP for non-applicant/State.

Mr. N.M. Kolhe, counsel h/f Mr. M.L. Vairgade, counsel (appointed) non-applicant No.2

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/11/2024.

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.238/2024 registered with Police Station Dhad, District Buldhana for the offences punishable under Sections 109, 115, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by Ramdas Pandurang Kandaje alleging that on 26/08/2024, during the altercation of words between him and the present applicant and other co-accused, the other co-accused assaulted him by means of an iron pipe, and he has sustained the injuries. On the basis of said report, police have registered the crime.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, the only allegation is that he has pushed the informant, and the altercation starts on account of the proceeding of the JCB machine from the agricultural land. There is no other

allegation as to the assault by him either of any weapon. Considering the same, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that in furtherance of common intention, the applicant and other co-accused assaulted the informant, and the informant has sustained the grievous injuries, i.e. fracture to the skull. Considering the same, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that recitals of the FIR and the statements of the eye-witnesses show that the assault was by the other co-accused, as far as the present applicant is concerned, only the allegation that there was an altercation of the words and the present applicant pushed the injured. Considering the role attributed to the present applicant, he has made out a case for grant of anticipatory bail. In view of that, I proceed to pass the following order:

- a] In the event of the arrest, the applicant - ***Kiran s/o Santoshrao Kanadge*** in connection with Crime No.238/2024 registered with Police Station Dhad, District Buldhana for the offences punishable under Sections 109, 115, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, shall be released on anticipatory bail on executing P.R. bond of

Rs.25,000/- with one solvent surety in the like amount.

- b] The applicant shall attend the concerned police station once in a week on every Sunday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, physically or by way of electronic media.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]