



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

CRIMINAL APPLICATION (ABA) NO.714 OF 2024

Salim s/o Nanda Garwe and others

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Karanja Lad, District Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T. U. Rathod, Counsel for the applicants.
Ms. H. N. Prabhu, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/10/2024

1. The applicants are seeking pre-arrest bail in connection with Crime No.500/2024 registered with Police Station, Karanja, District Washim for the offences punishable under Sections 109, 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Counsel for the applicants submitted that there was a dispute between the two families on account of the way from the agricultural land, and therefore, the dispute arose. The cross-complaints are filed against each other. As far as the applicant Nos.2, 4 and 5 are concerned, general allegations are made against them. As far as the other applicants i.e. applicant Nos.1 and 3 are concerned, he is withdrawing the application. He submitted that considering the general allegation

against the applicants Nos.2, 4 and 5, their custodial interrogation is not required. In view of that, they be released on anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that the injury certificate shows that 4 to 5 persons have sustained the injuries in the alleged incident and the statement of one Rajjak merely attributes the role to the present applicants. In view of that, the prayer for grant of anticipatory bail deserves to be rejected.

4. On hearing both the parties and on perusal of the investigation papers it reveals that as far as the present applicant Nos.2, 4 and 5 are concerned, the general allegation is made against them and the injuries sustained by taking into consideration, the allegation by the injured are simple in nature. As far as the grievous injury is concerned, which is attributed to the co-accused Ismail. In view of that, the applicant Nos.2, 4 and 5 have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest, the applicants – **2) Usman s/o Nanda Garwe, 4) Sohel s/o Salim Garwe and 5) Rannu s/o Chand Garwe** shall be released on anticipatory bail, in connection with Crime No.500/2024 registered with Police Station Karanja, District Washim for the offences punishable under Sections 109, 115(2), 118(1), 118(2), 189(2),

190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(ii) The applicant Nos.2, 4 and 5 shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.

(iii) The applicant Nos.2, 4 and 5 shall not make any inducement and threat or promise to any person acquainted with the facts of the present case.

(iv) Failure to attend the Police Station would lead to the cancellation of the bail.

(v) The prayer of the applicant Nos.1 and 3, is disposed of as withdrawn.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)