



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

CRIMINAL APPLICATION (ABA) NO. 734 OF 2024

Nikhilesh Dhanraj Adyam 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. N.S. Padia, counsel for applicant.

Mrs. Shamshi Haider, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/11/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 436/2024 registered with Police Station Kamptee, Nagpur for the offence punishable under Sections 109, 115(2), 296, 3(5) of the Bhartiya Nagarik Suraksha Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Namdeo Raghunath Bhure, alleging that on 25/09/2024, the other co-accused came in a four wheeler in front of his house by consuming the liquor, present applicant was accompanied with them. The said co-accused started abusing the informant and also asked the present applicant to bring the wooden log. Accordingly, the present applicant has brought the wooden log and handed over the co-accused, and thereafter, the co-accused has given a blow of said wooden log on his head. Due to which, he has sustained the injury on his left hand, and he has also sustained the bleeding injury. On the basis of the

said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that in a sudden quarrel, both the co-accused, Sanjay, as well as the informant, have received the injuries. As far as the present applicant is concerned, the only allegation is that he has assisted the co-accused. Now the incriminating articles are already recovered, and custodial interrogation of the present applicant is not required. The injured has also not sustained the injury on the vital part of the body. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that wooden logs, clothes, and biological samples were recovered, but custodial interrogation is required, considering the nature of the offence. Hence, the application deserves to be rejected.

5. After hearing both sides and on perusal of both the FIRs, it reveals that counter FIRs are lodged against each other. The co-accused, Sanjay, as well as the informant, both have received the injuries in the said incident. The incident appears to have occurred in a sudden fight and sudden quarrel between both the parties. Considering the role of the present applicant, his further custodial interrogation is not required. 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, in connection with Crime No. 436/2024 registered with Police Station Kamptee, Nagpur for the offence punishable under Sections 109, 115(2), 296, 3(5) of the Bhartiya Nagarik Suraksha Sanhita, 2023, the applicant – ***Nikhilesh Dhanraj Adyam*** shall be released on anticipatory bail, on executing PR. 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 Tuesday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency till filing of the charge-sheet.
- 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.]