



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

CRIMINAL APPLICATION (BA) NO.1015 OF 2024
(Manoj Datta Jadhao 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

Mr. J.B. Kasat, Advocate for the applicant.
Mr. N. Autkar, APP for the State.

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

By this application, the applicants are seeking bail as they came to be arrested on 30/09/2024 in connection with Crime No.352/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 126(2), 132, 121(1), 309(6), 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by Ashok Ambadas Sanap who is the Bus driver on an allegation that on the day of incident i.e. on 09/09/2024 at around 06.00 p.m. they started their journey by driving the bus bearing No.MH-09-FL-0471 from Akola bus depot towards Pune. When the bus was proceeding from Deulgaon Raja in the area Takarkhed at around 09.30 p.m., a motorcycle came from behind and overtake them. The person riding the said motorcycle, stopped his motorcycle in front the bus of the complainant by coming to the driver side and inquired from the

complainant as to why he has given cut to his vehicle and on that count there was hot exchange of words between them and in that incident the Conductor was assaulted by the present applicants. It is further alleged that present applicants have also snatched the amount of Rs.27,285/-. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicant submitted that due to the manner of driving by the bus driver the alleged incident has taken place. As far as the allegations are concerned which are baseless as various persons gathered there and their statements are not recorded. In fact, the other persons gathered there have also assaulted the driver and the conductor. It was not the present applicant to have assaulted. Now, the applicants are for sufficient period behind the bar, further incarceration of the applicants is not required. In view of that, they be released on bail.

4. Learned APP strongly opposed the application and submitted that there is specific allegation against the present applicants that they have assaulted the bus driver and the conductor by means of stone. The amount is yet to be seized. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that applicants are arrested on 30/09/2024 since then they are behind bar. They are in a custody of the police for the interrogation purpose. During that period nothing is recovered from them. The TI parade is also not held. As far as the allegations are concerned which appears to be on the ground that there was hot exchange of words as the driver of the bus has not driven the bus in a proper manner. Thus, considering the nature nature of the allegation and the circumstances under which the alleged incident has taken place, for a sufficient period the applicants are behind bar. Their further incarceration is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicants – 1) Manoj Datta Jadhao and 2) Pawan Gajanan Deshmukh in connection with Crime No.352/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 126(2), 132, 121(1), 309(6), 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing P.R. bond of Rs.25,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall attend the concerned police station as and when required for the investigation purpose on issuance of notice in advance to secure their presence for the investigation purpose and shall cooperate with the investigating agency.

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*