



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

CRIMINAL APPLICATION (ABA) NO.760 OF 2024

(Rohit s/o Shekhar Yeole 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, Advocate for the applicant.
Mr. H.D. Dubey, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 26, 2024

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.388/2024 registered with Police Station Kamptee, District Nagpur for the offence punishable under Sections 109, 3(5), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Manoj Deepak Walde on an allegation that on 10/08/2024 there was an altercation between the present applicant and the other co-accused and in the said incident the other co-accused have assaulted him. One of them assaulted him by means of piece of glass due to which he sustained the head injury. As far as present applicant is concerned it is alleged that he assaulted by means of fist and kick blows. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that other co-accused is already released on anticipatory

bail. As far as role of the present applicant is concerned which is only to the extent of assault by fist and kick blows. Considering the same, his custodial interrogation is not required. The injured is already discharged from the hospital. There are no chances of any complication as to his injuries. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that there are six offences registered against the present applicant which are of a similar nature. Considering the criminal antecedents, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the recitals of the FIR and the investigation papers from which it reveals that the allegation against the present applicant is only to the extent of assault by fist and kick blows. As far as the other co-accused is concerned, the FIR is quashed against them. Present applicant has also filed Criminal Application (APL) No.1557/2024 wherein also the Division Bench of this Court directed the prosecution not to file charge-sheet though permitted to continue the investigation. Admittedly, the criminal antecedents are there but it is now well settled that mere criminal antecedents are not sufficient to curtail the liberty of the applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
 - (ii) In the event of arrest, the applicant – Rohit s/o Shekhar Yeole in connection with Crime No.388/2024 registered with Police Station Kamptee, District Nagpur for the offence punishable under Sections 109, 3(5), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
 - (iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency.
 - (iv) The applicant 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.
6. The contravention of any of the condition would lead to the cancellation of bail.
7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)