



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

CRIMINAL APPLICATION (APPP) NO. 2178 OF 2024 IN
CRIMINAL APPLICATION (ABA) NO. 799 OF 2024

(Ganpat Kannaiya Kumare 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. M.V.Rai, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

Mr. A.P. Barahate, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/12/2024.

1. By this application, the original complainant is seeking permission to engage the counsel to assist the prosecution.

2. In view of the reasons mentioned in the application, permission is granted to engage the counsel to assist the prosecution. The objection raised by the original complainant is taken on record.

3. The criminal application is disposed of

CRIMINAL APPLICATION (ABA) NO. 799 OF 2024

1. Apprehending the arrest at the hands of police in connection with Crime No.967/2024 registered with Police Station Ballarshah, District Chandrapur for the offence punishable under Sections 352, 351(3), 324(4), 191(3), 191(1), 189(4), 189(2), 118(1), 115(2) and 109(1) of the Bharatiya Nyaya Sanhita, 2023 and Section

135 of the Maharashtra Police Act, the applicant approached this court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by Uday Dinesh Yadav alleging that during an altercation of words between the present applicant and the other co-accused and his family members, present incident is happened. On 17/10/2024, they had been to the house of the present applicant regarding the incident, which was happened on the earlier day. At the relevant time, the present applicant and the other co-accused assaulted him and his friends by means of a wooden log and other sharp weapons. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Learned counsel for the applicant further submitted that as far as the present applicant is concerned, there is an allegation that there was some alteration of the words on earlier day, and on that count they have visited the house of the present applicant. Thus, the informant and the other prosecution witnesses were the aggressors. Even accepting the allegation as it is, and the role attributed to the present applicant, which is general in nature. As far as the assault by the sharp weapon is concerned, which was attributed to the co-accused Vishal. Thus, his custodial interrogation is not required. It is further submitted that he has cooperated with the

investigation agency and he has attended the police station.

4. Learned APP and learned counsel for the complainant have strongly opposed the said application on the ground that, in furtherance of common intention, the injured and the other prosecution witnesses are assaulted, and considering that the injured have sustained grievous injuries. Hence, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was some previous dispute, on that count, on an earlier day of the incident, there was an altercation between the prosecution witnesses and the present applicant. On that count, the prosecution witnesses and the informant visited the house of the present applicant, wherein again there was an altercation of words, and during that altercation, a scuffle took place, and the co-accused assaulted the informant and other prosecution witnesses, in which the other co-accused, Vishal Kumare, has caused the grievous injury to the injured. As far as the present applicant is concerned, a general allegation is made against him. No overt-act is attributed to him. In view of that, he was protected by granting ad-interim anticipatory bail. During the investigation, he cooperated with the investigating agency by attending the police station. Considering all these aspects, the applicant 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 arrest, the applicant - Ganpat Kannaiya Kumare, shall be released on bail, in connection with Crime No.967/2024 registered with Police Station Ballarshah, District Chandrapur for the offence punishable under Sections 352, 351(3), 324(4), 191(3), 191(1), 189(4), 189(2), 118(1), 115(2) and 109(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, on executing PR. 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 Monday between 10.00 AM and 1.00 PM till filing of the charge-sheet 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 present case either personally or by way of electronic media

- d] The applicant shall not indulge himself in similar types of the activities.

The criminal application is allowed and disposed of.

[URMILA JOSHI-PHALKE, J.]