



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 281 OF 2025

Vikas Ashok Pawar,
Age: 32 years, Occu : Business,
R/o. Lalbaug Colony, Nandurbar,
Tq. and Dist : Nandurbar. **.. APPLICANT**

VERSUS

- 1] The State of Maharashtra
Through Police Station Officer,
Nandurbar Taluka Police Station,
Tq. and Dist : Nandurbar.
- 2] The Superintendent of Police,
Nandurbar. **.. RESPONDENTS**

...
Ms. Pradnya S.Talekar, Advocate holding for Talekar &
Associates, for the applicant.
Mr.S.K.Shirse, APP for the respondent-State.
Mr.V.C.Patil, Advocate holding for Mr.U.B.Bondar, Advocate
for the Assist to P.P.

...
WITH
CRIMINAL APPLICATION NO.729 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO.281 OF 2025

Harish s/o. Balu Patil,
Age : 43 years, Occu : Service,
R/o. Gurukul Nagar No.24,
Taluka and District Nandurbar. **.. APPLICANT**
[Orig. Informant]

VERSUS

- 1] The State of Maharashtra

Through Police Station Officer,
Nandurbar Taluka Police Station,
Taluka and District Nandurbar.

- 2] The Superintendent of Police,
Nandurbar, Taluka and District Nandurbar.
- 3] Vikas s/o. Ashok Pawar,
Age: 32 years, Occu : Business,
R/o. Lalbaug Colony, Nandurbar,
Taluka and District Nandurbar .. **RESPONDENTS**

...

Mr.V.C.Patil, Advocate holding for Mr.U.B.Bondar, Advocate
for the applicant.

Mr.S.K.Shirse, APP for the respondent-State.

Ms.Pradnya S. Talekar, Advocate holding for Talekar &
Associates for the respondent no.3.

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18.03.2025

P.C. :

1] Heard. For the reasons stated in Criminal
Application No.729 of 2025 for assisting to the P.P., the
same is allowed. Criminal Application is disposed of
accordingly.

2] Heard learned counsel for the applicant in ABA
No.281/2025, the learned APP for the respondent-State and
the learned counsel for assist to P.P.

3] The applicant is apprehending arrest in connection with Crime No. 26 of 2025, registered with Nandurbar Taluka Police Station, Taluka and District Nandurbar, for the offence punishable under Sections 189 (2), 191 (2), 190, 333, 132, 121 (1) and 303 (2) of the Bhartiya Nyaya Sanhita, 2023 along with Section 21 of the Maharashtra Minor Mineral Extraction [Development and Regulation] Rules, 2013.

4] The allegation against the accused-applicant in the FIR is that on 28.01.2025 at about 2.30 p.m. on Sindhagavhan to Kakarde road, near village Kakarde, unknown accused, who was driving dumper No. MH-39/ED-1055 loaded with sand rushed ahead in spite of giving directions to stop the same by the complainant, who is a Village Revenue Officer of Sindhagavhan Saja. After chasing and stopping the said dumper on the spot of incident, the said unknown accused driver informed the complainant that he does not have receipt of royalty deposited and on asking his name, the unknown accused driver, without giving name and address ran away with the said dumper. On the same day when the complainant returned at his residential house at about 8.00 p.m., the accused No.1 – applicant along with 6 to 7 unknown accused committed house trespass into

the house of the complainant and questioned him why he had stopped the applicant's vehicle and beat him by fist and kick blows along with other accused, abused him, threatened to involve him in false offence and commit his murder, if he stops their vehicle.

5] The learned counsel for the applicant submits that the applicant has sought anticipatory bail on the ground that no offences under Section 189 (2), 191 (2), 190, 333, 132, 121 (1) and 303 (2) of the Bharatiya Nyaya Sanhita, 2023 along with Section 21 of the Maharashtra Minor Mineral Extraction [Development and Regulation] Rules, 2023 are made out against the present applicant. It is further submitted that the ingredients of Section 132 and 121 (1) of the Bharatiya Nyaya Sanhita, 2023 are not made out against the present applicant since at the time of alleged incident, the informant was not discharging public duty. The alleged incident took place at the residence of the informant. It is further submitted that no offence under Section 303 (2) of the Bhartiya Nyaya Sanhita, 2023 took place. There is no allegation about stealing of any property. It is submitted that all the offences being punishable below 7 years, the notice under section 41-A of the Criminal Procedure Code ought to have been given by the police. It is submitted that two different incidents are mentioned by the informant in the alleged crime, which are separate. It is stated that the first incident had not taken place as there is

no report of abuse by the applicant. As regards second incident is concerned, there is no obstruction of public servant in performing his duties.

6] Having considered the submissions, although two incidents mentioned in the FIR are different but they are *prima facie* interconnected. The 6-7 persons committed trespass in the house of the complainant and the accused persons assaulted the informant for having discharged his duty and also threatened the complainant not to stop their vehicle. The offences are grave in nature and they are interconnected. The name of the applicant is disclosed in the FIR. Considering this aspect of the matter, this is not a case for grant of anticipatory bail. Hence, the present application is dismissed.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall not be influenced by the observations of this Court while deciding regular bail or at trial.

[ARUN R. PEDNEKER]
JUDGE

DDC