



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 820 OF 2025

Dayanand Rambhau KakadeApplicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. K. B. Jadhav, Advocate for Applicant.

Mr. A. M. Phule, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 7 JULY, 2025.

P. C. :

1. Heard learned Advocates for the parties.
2. My attention is invited to the order dated 27 May 2025, pursuant to which, the interim protection was granted to the Applicant in terms of Paragraph No. 4 which recorded the explicit terms and conditions. It appears that certain subsequent developments have transpired pursuant to the abovesaid order. The learned APP in this regard, on instructions, would submit that Section 118(2) of the BNS has been dropped from the array of sections in the FIR. It is also submitted that the informant and other two witnesses have suffered simple injuries. This is evident from the

injury certificate which is issued on 27 May 2025. The said persons have been examined on 18 March 2025, pursuant to which, the said injury certificate has been issued. The learned APP also has instructions to submit that pursuant to the order dated 27 May 2025 and the terms and conditions imposed therein, the Applicant has appeared before the Investigating Officer on 1 June 2025. He has co-operated with the investigation. This would further indicate that he has joined the investigation.

3. The learned APP at this juncture would submit that there is a criminal antecedent against the Applicant in terms of Crime No. 193/2024. This was also taken note of by the order dated 27 May 2025. However, at this stage, the Court finds that there is no straight jacket formula as far as criminal antecedents are concerned and due importance/weightage is to be given to prima facie case and the necessity of custodial interrogation. It is also submitted that the alleged weapons have been duly and fully recovered from the spot of the alleged incident.

4. Having considered the above, it is evident that (a) Section 118(2) has been dropped from the array of sections; (b) As submitted

by the prosecution that the informant and other persons have suffered simple injury which is duly reflected in the injury certificate dated 27 May 2025. (c) There is no recovery that requires to be done. (d) The Applicant has appeared before the Investigating Officer on 1 June 2025 and co-operated with the investigation.

5. Though investigation is the right of prosecution, custodial interrogation cannot be a norm. A prima facie case is made out by the Applicant. Custodial interrogation of the Applicant is not warranted in the given factual complexion. Thus, the order dated 27 May 2025 passed by this Court is required to be confirmed by passing the following order, which would serve the ends of justice:-

ORDER

(i) In the event of arrest of the applicant Dayanand Rambhau Kakade. in connection with C.R. No. 111/2025, registered with Kaij Police Station, Dist. Beed, for the offences punishable under Sections 118(1), 189(2), 191(2), 191(3), 190, 115(2), 352, 351(2), 351(3) of the BNS, the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when called and shall co-operate the investigation, until filing of the charge-sheet.

(iii) The applicant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

(iv) The applicant shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

(v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

5, ABA is allowed in above terms.

(ADVAIT M. SETHNA)
Judge

dyb