



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

ANTICIPATORY BAIL APPLICATION NO. 1037 OF 2025

Nanasaheb Gamaji Kadam And Another

VERSUS

The State Of Maharashtra And Another

WITH CRIMINAL APPLICATION NO. 2192 OF 2025

Machhindra Gamaji Kadam

VERSUS

The State Of Maharashtra And Others

Mr. T. C. Shinde, Advocate for Applicant

Mr. A. M. Phule, APP for Respondents/State

CORAM : ADVAIT M. SETHNA, J.

DATE : 27 June 2025

P. C. :-

1. Heard Ld. Counsel for the parties.
2. The Criminal Application No. 2192 of 2025 has been filed on behalf of the Informant to assist APP. I have perused the contents of the same and find that a case is made out in this regard. Accordingly, Criminal Application No. 2192 of 2025 is allowed.
3. The Applicant No.1 - Nanasaheb Gamaji Kadam has filed the present Application apprehending arrest. The proceedings related to Crime No. 0175 of 2025. F.I.R. is dated 10 June 2025 lodged at 19:09 hours by

Kopargaon Rural Police Station, District. Ahilyanagar under Sections 118(2), 118(1), 115(2), 324(4), 324(5), 352, 351(2), 351(3), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”). Occurrence of the offence is stated to be on 9 June 2025 and the information with regard to the same has been received on 10 June 2025 at 18:52 hours, pursuant to which present F.I.R. is lodged.

4. The F.I.R. which narrates the alleged incident of assault, would indicate that as far as the present Applicant No.1 is concerned, his role is limited only to the extent of handing over a sickle i.e., alleged weapon to Accused No.1-Sandip Nanasaheb Kadam. Further the role attributed to this Applicant is limited to that of inducement/instigation. Apart from this, there is no specific role attributed to Applicant No. 1 to invoke the sections as set out in the F.I.R.

5. Mr. Shinde, Ld. Advocate for Applicant would also contend that this Applicant is 70 years of age of a unfirm health. The Applicant undertaking to fully co-operate with the ongoing investigation.

6. Mr. Phule, Ld. APP would vehemently oppose the grant of any indulgence, more particularly on the ground that according to him, this is a fit

case which would warrant custodial interrogation.

7. Considering the above, a *prima facie* case is made out in favour of the Applicant. This is not a case which would warrant custodial interrogation of the present Applicant. The Applicant No.1 does not have any criminal antecedents. The ABA can be allowed by passing the following order which in my view, would meet the ends of justice:-

ORDER

- (i) In the event of arrest of the Applicant No.1-Nanasaheb Gamaji Kadam in connection with CR No.0175 of 2025 registered with Kopergaon Rural Police Station, District. Ahilyanagar for the offences punishable under Sections 118(2), 118(1), 115(2), 324(4), 324(5), 352, 351(2), 351(3), 189(2), 191(2), 191(3) and 190 of BNS, the Applicant No.1 is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.
- (ii) The Applicant No.1 shall cooperate with the investigation and shall attend the concerned police station as and when required and/or called by the concerned Investigating Officer until filing of the charge-sheet.

- (iii) The Applicant No.1 shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (iv) The Applicant No.1 shall not leave the jurisdiction of the Court without prior permission/order of the Court, until further orders
- (v) The Applicant No.1 shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

8. As far as other Applicants are concerned, list the Application for further consideration on **7 July 2025**.

(ADVAIT M. SETHNA, J.)

bsj