



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1037 OF 2025

1. Nanasaheb s/o Gamaji Kadam
2. Pramod s/o Nanasaheb KadamApplicants

VERSUS

The State of Maharashtra & anotherRespondents

.....

Mr. T. C. Shinde, Advocate for Applicants.

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

Mr. Saurabh Veer, Advocate for the Informant.

CORAM : ADVAIT M. SETHNA, J.

DATE : 15 JULY, 2025.

P. C. :

1. The Applicants have filed the present Application as they apprehend arrest.

2. At the very outset, the learned Advocate for the Applicants, the learned APP and the learned Advocate for the Informant would draw the attention of the Court to the order dated 27 June 2025. The details of the First Information Report (for short '**FIR**'), the incident, the alleged offences as invoked in the FIR are duly noted in the said order. Considering the prima facie case at that stage, interim relief was granted to the Applicant No. 1 i.e. Nanasaheb

s/o Gamaji Kadam Accused No. 3 imposing terms and conditions as set out in the order.

3. Having heard the learned Advocates for the parties, it appears that as far as prima facie case is concerned, the prosecution has nothing adverse against the present Applicant, Accused No. 2 to place on record. The apprehension and objection urged by the learned APP is that the wooden stick which was used during the assault by this particular Applicant is yet to be recovered.

4. As regards non-recovery of the alleged weapon i.e. stick, it is pertinent to note that the Informant had suffered simple injury as accepted by the prosecution. There is no apprehension with regard to the tampering of evidence and/or the Applicants absconding or fleeing from justice expressed by the prosecution. In such view of the matter, custodial interrogation or physical custody of the Applicants in the given factual complexion would not be required. The terms and conditions imposed in the order can well taken care of the apprehension urged by the learned APP. The learned APP would submit that there are two Ncs registered against Applicant Pramod s/o Nanasaheb Kadam ; one is NC No. 406/2025 and another is

480/2025 in relation to the similar offence. This can be duly taken care of in the conditions imposed in the order. On both counts i.e. a prima facie case is made out by the Applicants and custodial interrogation in the given facts and circumstances is not required.

5. In view of the above, the Application of Applicant No. 2-Accused No. 2 Pramod s/o Nanasaheb Kadam deserves to be allowed by passing the following order :-

ORDER

(i) In the event of arrest of the applicant Pramod s/o Nanasaheb Kadam in connection with C.R. No. 0175/2025, registered with Kopargaon Rural Police Station, Dist. 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), 190 of the BNS, he 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 required until filing of the charge-sheet. They are further directed to co-operate the investigation.

(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 establish any contact with the witness/es for any reason in any manner whatsoever and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever, failing which the prosecution is at liberty to apply for cancellation of protection conferred to the Applicant, by this order.

6. ABA is allowed in above terms.

7. It is reiterated that the Application of Applicant No. 1 i.e. Accused No. 3 was allowed by order dated 27 June 2025.

(ADVAIT M. SETHNA, J.)

dyb