

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

**CRIMINAL APPELLATE JURISDICTION**

**CR. ANTICIPATORY BAIL APPLICATION NO.1207 OF 2025**

1. Sumitra Rama Khadake @ Sumitrabai Sakru Khadake

Age 39 years, occ. Labour.

2. Kashinath Joma Agiwale

Age 42 years, occo. Labour

3. Ramu Dhavalu Khadke @ Sakru Dhavalu Khadke

Age : 41 years. Occ. Labour.

4. Gurunath Mohan Vir

Age : 25 years. Occ. Labour

5. Bhima Mohan Ware @ Bhiva Mohan Vir

Age : 28 years, occ. Labour

All R/at – Bhavali, Jamunde, Tal. Igatpuri,

Dist. Nashik-422403

... Applicants

V/s.

The State of Maharashtra

(At the instance of the P.I.

Igatpuri Police Station, Nashik

Vide C.R. No.65/2025)

... Respondent

Mr. Vivek Arote a/w Mr. Akshay Dingale for the Applicants.

Mr. A.S. Gawai, A.P.P. for Respondent-State.

Mr. Rahul V. Tasare, P.I. attached to Igatpuri Police Station, Nashik ®,  
present.

**CORAM : SHYAM C. CHANDAK, J.  
(VACATION COURT)**

**DATE : 21 MAY 2025.**

**P.C. :**

1) The Applicants apprehending their arrest in C.R. No.65 of 2025, dated 1 April 2025, registered with *Igatpuri* Police Station, District Nashik, for the alleged offences punishable under Sections 132, 189(2), 189(3), 191(2), 190, 117(2) and 121(2) Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 37(1) and 37 (3) of Maharashtra Police Act, 1951, have filed this

Application under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS), for grant of pre-arrest bail.

2) Heard the learned Advocate for the Applicants and learned A.P.P. for the Respondent-State.

3) At this stage, the learned Advocate for the Applicants tendered photocopies of the MCR Application and the bail order in respect of Applicant No.5 and stated that said Applicant No.5 was arrested and granted regular bail during the pendency of this application. Said documents are taken on record and marked at Exhibit "X", for identification. Further, on instructions, he does not press the Application to the extent of Applicant No.4. Hence, the Application stands disposed of to the extent of Applicant Nos.4 and 5.

4) The prosecution's story is that on 31 March 2025, at about 10.45 hours, when the informant, who is the Assistant Sub-Inspector and other police personnel present with him were proceeding *via* Pimpripada for patrolling duty and to visit the spot of an incident of suicide that occurred in the village *Dharwadi Jamunda Shivar* within the jurisdiction of their police station, the Applicants along with 50 to 60 men and women formed an unlawful assembly and assaulted the informant and Police Constable Mr. Godse, by slapping and giving fist-kicks blows. The accused persons also pelted stones. Thus, the Applicants and their co-accused obstructed the informant and other police with him from performing their public duty and caused grievous hurt to them.

5) The learned Advocate for the Applicants submits that no specific role is attributed to the Applicants. There is no material to indicate that the Applicants caused grievous hurt to any of the police, as alleged. Even though the offence under Section 121(2) is alleged, the F.I.R. does not mention that any of the police suffered grievous hurt at the hands of the Applicants or the co-accused persons. Nothing incriminating is to be recovered from the Applicants. Therefore, their custodial investigation is not necessary. The Applicant No.5 was arrested, but his police custody was not sought for interrogation purpose. This fact fortifies the conclusion above that the custodial investigation of the Applicants is not needed. Considering the facts of the case, if the Applicants are directed to attend before the Investigation Officer, it would meet the requirement of the investigation to be made with them. The Applicants are not likely to abscond.

5.1) In view thereof, I am inclined to allow the Application. Hence, following Order is passed:-

**: O R D E R :**

- (i) Application is allowed.
- (ii) In the event of the arrest of Applicant Nos.1 to 3 in C.R. No.65 of 2025, dated 1 April 2025, registered with *Igatpuri* Police Station, District Nashik, for the alleged offences punishable under Sections 132, 189(2), 189(3), 191(2), 190, 117(2) and 121(2) Bharatiya Nyaya Sanhita,

2023 (BNS) and Sections 37(1) and 37 (3) of Maharashtra Police Act, 1951, the Applicant Nos.1 to 3 shall be released on bail on executing a P.R. bond of Rs.50,000/- each with one or two sureties in the like amount.

- (iii) Applicant Nos. 1 to 3 shall attend before the Investigating Officer at *Igatpuri* Police Station, District Nashik, on every Thursday between 12.00 p.m. to 04.00 p.m. till filing of the Chargesheet.
- (iv) The Applicants shall not tamper with the prosecution evidence and threaten the prosecution witnesses, in any manner.
- (v) The Applicants shall not indulge in similar or any other crime in the future.
- (vi) The Applicants shall give their contact details to the Investigating Officer.
- (vii) Application stands disposed of in the above terms.

( SHYAM C. CHANDAK, J.)