



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 38 OF 2025

Yuvraj S/o. Shamrao Rathod

.vs.

State of Maharashtra, through PSO PS Sindhkhedraja, District Buldhana

WITH

CRIMINAL APPLICATION (BA) NO. 98 OF 2025

Manoj S/o. Viju Pawar

.vs.

State of Maharashtra, through PSO PS Sindhkhed Raja, District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms Madhura Joshi, Advocate for the applicant in BA No. 38 of 2025
Mr M. I. Dhatriak, Advocate for the applicant in BA No. 98 of 2025
Mr A. G. Mate, APP for the non-applicant/State in both application
Mr Nilesh Tikar, Advocate appear to assist the prosecution

CORAM : G.A. SANAP J.

DATE : FEBRUARY 06, 2025

These are two applications for bail, made by the applicants, arising out of crime bearing No. 203 of 2024 registered with Sindhkhed Raja police station, District Buldhana for the offences punishable under Sections 117(2), 117(3), 118(1), 3(5), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023. Both these applications are being disposed of by common order.

2. The applicant in Criminal Application No. 38 of 2025 is accused No. 4 and applicant in Criminal Application No. 98 of 2025 is accused No.1. They both have applied for bail.

3. Heard learned Advocates for the applicants and learned APP for the State.

4. Learned Advocates for the applicants would submit that accused Nos. 2 and 3 in this crime have been released on bail. Considering the role attributed to the accused, they are entitled for bail on the ground of parity. It is submitted that the offence is triable by Magistrate. The bail application is rejected by the learned Sessions Judge on the ground that some of the accused, involved in the crime, were yet to be arrested. Learned Advocates would submit that the applicants/accused are ready to abide by the conditions that may be imposed by the Court.

5. Learned APP would submit that the applicants/accused Nos. 1 and 4 are the main culprits. They mercilessly beat the informant. The assault was preplanned. The informant has lost the eyesight of his right eye. It is submitted that the accused has man power and they can pressurize the prosecution witnesses or tamper with the prosecution evidence.

6. I have gone through the record and proceedings. The main offence registered against the applicants/accused is under Section 118 of the Bharatiya Nyaya Sanhita, 2023 namely causing grievous hurt by means of

dangerous weapon. The informant took a treatment at private hospital. The accused have been remanded to Magisterial custody. This fact would show that for custodial interrogation their detention is not necessary. As far as absconding accused are concerned, the investigating officer would be required to take steps to arrest them. Even after the similar observations vide order dated 22.01.2025 in the matter of co-accused no explanation has been *put forth* for not arresting the remaining accused. The offences are triable by Magistrate. In the facts and circumstances, it may not be appropriate to keep them behind the bars for indefinite period. The filing of the charge-sheet may take some time *inasmuch* as some of the accused are absconding. In this backdrop, the apprehension *put forth* by the learned APP can be taken care of by imposing appropriate conditions. In view of the above, I am inclined to grant bail to the applicants/accused. Hence, the following order:

- i) The criminal applications are allowed.
- ii) Applicant/accused No. 4 – Yuvraj S/o. Shamrao Rathod in Criminal Application No. 38 of 2025 and applicant/accused No.1 – Manoj Viju Pawar in Criminal Application No. 98 of 2025 be released on bail in Crime

No.203 of 2024, registered with Police Station Sindhkhed Raja, District: Buldhana for the offences punishable under Sections 117(2), 117(3), 118(1), 3(5), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 on them furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety in the like amount each.

iii] The applicants shall not in any way tamper with the prosecution evidence.

iv] The applicants shall not pressurize or threaten the prosecution witnesses.

v] The applicants shall attend the concerned police station on every Monday and Friday between 7 p.m. and 9 p.m. till filing of the charge-sheet.

vi] The applicants shall co-operate the investigating officer.

7. The Criminal Applications stand **disposed of** accordingly. Pending application, if any, also stands disposed of.

(G. A. SANAP, J)