



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

CRIMINAL APPLICATION (ABA) NO.23 OF 2025

(Yogesh s/o Bablu alias Subhash Raje and ors. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.H. Joshi, Advocate for the applicants.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 4, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.553/2024 registered with Police Station Malegaon, District Washim for the offences punishable under Sections 109, 115(2), 189(2), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. As per the allegation in the FIR lodged by Raju Yashwanta Kamble that there is a previous dispute between the present applicants and the other family members of the applicants and the informant and his family members. On that count on 02/11/2024, present applicants as well as the other co-accused came in front of his house along with the weapons in their hands and assaulted him as well as other family members. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that now the application as to applicant No.1 became

infructuous as during the pendency of this application, the applicant No.1 – Yogesh is arrested. He submitted that as far as the other applicants are concerned against them the general allegations are levelled. The weapons are already recovered which were lying at the spot of incident. Therefore, their custodial interrogation is not required. Other co-accused are already released on bail by the trial Court. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that applicant No.2 – Pravin, applicant No.3 – Swapnil, applicant No.4 – Dinkar had played the specific role. Applicant No.4 – Dinkar was holding the iron rod and assaulted on the head of the informant whereas applicant No.3 – Swapnil has assaulted by means of stick on the legs of the informant whereas applicant No.2 – Pravin has assaulted the intervenor Dharmaraj Tekam who came there to rescue the quarrel. Thus, considering the role of these three applicants their custodial interrogation is required, and therefore, their prayer for grant of anticipatory bail deserves to be rejected.

5. On perusal of the recitals of the FIR and other investigation papers it reveals that in all 5 to 6 persons have sustained the injuries in the said incident. The informant has also received the injuries on the head and other parts of the body. The other prosecution witnesses have also sustained the injuries. As far as the injuries

sustained by the weapons query report is there, which shows that the injuries sustained by the witnesses can be caused by such type of the weapons. One Dharmaraj Baburao Kedar has also sustained 3 injuries in the said incident. One Raju Yashwanta Kamble has sustained two lacerated wounds and that is on the vital part of the body i.e on head. Then Devidas Yashwant Kamble has also sustained the grievous injury on his person. Thus, considering the role attributed to applicant No.2 – Pravin, applicant No.3 – Swapnil and applicant No.4 – Dinkar. Admittedly, their custodial interrogation is required for the purpose of investigation, and therefore, their case as to the grant of anticipatory bail is out of considerations. As far as applicant Nos.5 to 7 are concerned, no specific role is attributed to them and the general allegation is levelled against them, and therefore, they have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

- (i) The application is partly allowed.
- (ii) The application for applicant Nos.2 to 4 is hereby rejected.
- (iii) In the event of the arrest, applicant Nos.5 to 7 namely applicant No.5 – Pandit s/o Kundalik alias Pundalik Ingale, applicant No.6 – Uddhav Kundalik alias Pundalik Ingale and applicant No.7 – Dharma s/o Kundalik alias Pundalik Ingale in connection with Crime

No.553/2024 registered with Police Station Malegaon, District Washim for the offences punishable under Sections 109, 115(2), 189(2), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(iv) The applicant Nos.5 to 7 shall attend the concerned police station as and when required for the investigation purpose on receipt of the notice of 7 days in advance from the Investigation Officer and applicant Nos.5 to 7 shall cooperate with the investigating agency

(v) The applicant Nos.5 to 7 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media and shall not indulge in similar type of the activities.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)