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55.aba.57.2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.57 OF 2025

Raosaheb Dhandbarao Kamble

Vs.

State of Maharashtra, through Police Station Officer, Khandala,
District Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. P. Kariya, Counsel for the applicant.
Ms. H. N. Prabhu, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.375/2024 registered with Police Station Khandala, District Yavatmal for the offence punishable under Sections. 109, 115(2), 118(1), 125, 198(2), 190, 191(2), 191(3), 351(2), 351(3), 352, 49 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant who submitted that out of a political rivalry, the incident has occurred near Shahid Smarak and both party members have pelting stones against each other and have sustained the injuries. He submitted that the inconsistent statements are there. As far as the role of the present applicant is concerned, the

injuries sustained by the injured are of simple nature. The custodial interrogation of the present applicant is not required. In view of that, the applicant be protected by granting ad-interim anticipatory bail.

3. Learned APP strongly opposed the application and submitted that considering the role of the present applicant who has assaulted the injured by means of stick. In view of that the prayer of grant of ad-interim anticipatory bail deserves to be rejected.

4. On perusal of the investigation papers, it reveals that two persons have sustained the injuries in the said incident, which are simple in nature. There are inconsistent statements as far as the weapon in the hands of the present applicant is concerned, one witness has stated about the sickle, whereas other witness has stated about the stick. It is apparent that out of a political rivalry, the alleged incident has taken place and both party members have pelted stone against each other. Considering the circumstances, under which the alleged incident has taken place, the custodial interrogation of the present applicant is not required. However, his application is considered by imposing certain conditions, accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.375/2024 registered with Police Station Khandala, District Yavatmal for the offence punishable under Sections 109, 115(2), 118(1), 125, 198(2), 190, 191(2), 191(3), 351(2), 351(3), 352, 49 of the Bharatiya Nyaya Sanhita, 2023, the applicant **Raosaheb Dhandbarao Kamble** shall be released on anticipatory bail, on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall produce the weapon of the offence which is used in the commission of the crime and the said period will be considered as his custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhinyam.

(v) The applicant shall not induce, threat or promise any of the witnesses who are connected with the present crime.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)