



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

CRIMINAL APPLICATION (ABA) NO.98 OF 2025

(Harish s/o Jagannath Gupta and others Vs. 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. V.R.Deshpande, counsel with Mr. Kunal Pande, counsel for applicants.

Ms. M.A.Barbde, APP for non-applicant/State.

Mr. U.L. Chhangani, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/04/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.73/2025 registered at Police Station, Mangrulpir, District Washim for the offence punishable under Sections 118(1), 118(2), 115(2), 351(2), 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Durgesh Nandkishor Gupta, on an allegation that on 29/01/2025, he and his wife were harvesting Tur Crops using a thresher machine. At the relevant time, the applicants namely applicant no. 1, Harish, and Vishal were holding sticks in their hands, and they assaulted the informant on both his hands and thigh, due to which they sustained the injuries. On the basis of the said report, police have registered the crime.

3. Learned counsel for the applicants submitted that there is a previous dispute between the parties on account of the land. The order of injunction was granted against the informant and his family members, directing them not to interfere with the possession of the accused from the disputed land. However, despite the injunction, they allegedly attempted to interfere with the disputed possession, and therefore the alleged incident has taken place.

4. He submitted that as far as the custodial interrogation is concerned, which is not required. The weapons are already seized from the spot of incident therefore, the custodial interrogation is not required.

5. Learned APP and learned counsel for the complainant strongly opposed the application and submitted that, considering the injury sustained by the informant and his wife, the custodial interrogation of the present applicants is required, and in view of that, the application deserves to be rejected.

6. Heard learned counsel for the applicants and learned APP for the State, perused the investigation papers, as far as the injuries sustained by Durgesh is concerned, which is simple in nature. The other injured have also sustained the injuries, which are simple in nature. It is apparent that the alleged incident has occurred due to the dispute, and the civil dispute is also pending between the parties. The weapon of the offence

allegedly used by the applicants are also seized from the spot of incident. Thus, considering the same, their custodial interrogation is not required. However, some conditions are required to be imposed on the present applicants. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of the arrest, the applicants – *1) Harish Jagannath Gupta, 2) Satish s/o Jagannath Gupta 3) Santosh s/o Jagannath Gupta*, in connection with Crime No.73/2025 registered at Police Station, Mangrulpir, District Washim for the offence punishable under Section 118(1), 118(2), 115(2), 351(2), 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, shall be released on anticipatory bail on executing PR. bond of Rs.25,000/- each with one solvent surety each in the like amount.
- c] The applicants shall attend the concerned police station once in a week on Wednesday between 10.00 AM to 01.00 PM till the filing of the charge-sheet.
- d] The applicant No.1, who was admitted in the hospital on discharge, shall attend the concerned police station on every Wednesday

between 10.00 a.m. to 01.00 p.m. till investigation is completed.

- e] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case and they shall cooperate with the investigating agency.

7. The criminal application is disposed of accordingly.

[URMILA JOSHI-PHALKE, J.]