



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

CRIMINAL APPLICATION (ABA) NO.127 OF 2025

Namdeo Shivram Rathod

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Karanja Lad (Rural), District Washim

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

Court's or Judge's orders

Mr. S. G. Varshani, Counsel for the applicant.
Ms. M. A. Barabde, APP for non-applicant / State.
Mr. S. D. Chande, Counsel for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.37/2025 registered with Police Station Karanja Lad (Rural) District Washim for the offences punishable under Sections 109, 189(2), 189(4), 190, 191(2), 191(3), 324(4), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Prakash Hariram Aade alleging that on the day of incident, there was a scuffle between him and the present applicant and present applicant has assaulted him and also instigated other co-accused to set him fire. On the basis of the said

report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that as to the incident two crimes are registered. Another crime registered vide Crime No. 38/2025 wherein the allegation against the accused therein was that they were assaulted by means of iron rod and they are protected by this Court by granting anticipatory bail. Thus, considering that in a scuffle both party members have caused the injuries to each other and as far as the custodial interrogation is concerned, which is not required, as the applicant has not brought any weapon, but allegedly he has used the stones which were at the spot of incident.

4. Learned APP and learned Counsel for the complainant strongly opposed the said application on the ground that there are criminal antecedents against the present applicant, and if he is released on bail, there is every likelihood of involvement in a similar type of the offence. His custodial interrogation is also required and prayed for rejection of the anticipatory bail.

5. After hearing both the sides and on perusal of the recitals of the FIR and the investigation papers, it reveals in a scuffle between the two groups the alleged incident has occurred. Both party members have caused injuries to each other. Mere

criminal antecedents are not sufficient to reject the bail application of the present applicant. In view of that the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest, in connection with Crime No.37/2025 registered with Police Station Karanja Lad (Rural), District Washim for the offences punishable under Sections 109, 189(2), 189(4), 190, 191(2), 191(3), 324(4), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant **Namdeo Shivram Rathod** shall be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the investigating agency.

(iii) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the present case.

(iv) The applicant shall not indulge himself in similar type of the activities.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)