



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

CRIMINAL APPLICATION (ABA) NO. 145 OF 2025

Shivaji s/o Rustum Dhande 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. Kiran Wathore, counsel for applicants.

Mr. Anant Ghongre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/05/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 761/2024 registered with Police Station, Mehkar, District Buldhana for the offence punishable under Sections 117(2), 118(1), 189(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Heard the learned counsel for the applicants, who submitted that the alleged incident has arisen out of a family dispute. As far as the implication of the present applicants is concerned, it is a false implication merely because there is a previous enmity between the two families. Furthermore, the custodial interrogation is concerned, which is not required. In view of that, prays for anticipatory bail in favour of the present applicants.

3. Learned APP strongly opposed the said application on the ground that the specific role is attributed to the

applicant No. 1, who has assaulted the injured, and the injured has lost his six teeth in the said incident.

4. After hearing both sides and on perusal of the recitals of the FIR and the medical certificate, the role of the applicant no.1 is a specific role. Due to his assault, the informant has lost his six teeth in the said incident. As far as the role of the applicants Nos. 2 and 3 is concerned, which is general in nature, with no specific role is attributed to them. In view of that, the application deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **partly allowed**.
- b] In the event of arrest in connection with Crime No.761/2024 registered with Police Station Mehkar, District Buldhana for the offence punishable under Sections 117(2), 118(1), 189(2), 191(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant No. (2) Ganesh s/o Rameshwar Dhande and No. (3) Gajanan s/o Shivaji Dhande shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety of the like amount.
- c] The application of the present applicant No.1 is hereby rejected.
- d] The applicant Nos.2 and 3 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.

- e] The applicant Nos.2 and 3 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

Criminal application is **disposed of** accordingly.

[**URMILA JOSHI-PHALKE, J.**]