



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

CRIMINAL APPLICATION (ABA) NO.153 OF 2025

Tanmay s/o Raju Jadhav
Vs.

The State of Maharashtra, through PSO, PS Jaripatka, Nagpur Dist.
Nagpur

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

Court's or Judge's orders

Mr. D.M. Dixit, Counsel for the applicant.
Mr. V.A. Thakare, APP for the non-applicant State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/03/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.0831/2024 registered at Jaripatka Police Station District Nagpur for the offence punishable under Sections 352, 351(3), 3(5), 296, 115(2) and 109 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS') the applicant approached this Court for grant of bail in the event of his arrest.

2. Heard learned counsel for the applicant who submitted that as per the allegation on 13/12/2024 there was quarrel between Pranay Hajra and other co-accused. It is alleged that other co-accused assaulted him as well as his father. Though the informant has alleged that present applicant was holding sword in his hand but he has retracted the

said statement by filing an affidavit before the Sessions Judge. Thus, considering the affidavit filed by the informant the custodial interrogation of the applicant is not required. Therefore, he be released on anticipatory bail.

3. Learned APP strongly opposed the application and submitted that besides the informant there are eye witnesses who have specifically narrated the role of present applicant. His custodial interrogation is required. Moreover, he is prosecuted under the provisions of MCOC Act and thus, considering his criminal antecedents the application deserves to be rejected.

4. After hearing both the sides and on perusal of the investigation papers, it reveals that present applicant allegedly holding sword in his hand. Admittedly no injuries were caused by the said sword to anybody. Thereafter the informant has filed an affidavit and retracted the said statement and filed an affidavit and submitted that there was no involvement of the present applicant in the alleged incident. Considering the affidavit of the informant and the fact that he has not caused any injury to the informant, the applicant has made out the case for grant of anticipatory bail

5. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.0831/2024 registered at Jaripataka Police Station District Nagpur for the offence punishable under Sections 352, 351(3), 3(5), 296, 115(2) and 109 of the Bharatiya Nyaya Sanhita, 2023 the applicant -**Tanmay s/o Raju Jadhav** shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

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

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)