



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.290 OF 2025

(Rohit Sanjay Gade 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. R.S. Kalangiwale, Advocate for the applicant.
Mr. M.K. Pathan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 24, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 06/06/2024 in connection with Crime No.426/2024 registered with Police Station Chikhali, District Buldhana for the offence punishable under Section 307, 323, 504 and 506 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Rohan Sadanand Gadhe on an allegation that there was a dispute between the two families and on account of that dispute, scuffle took place between him and his cousin brother i.e. the present applicant and present applicant has assaulted him as well as his sister due to which they have sustained the injuries. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that regarding the incident, cross-complaints are filed. The present applicant has also sustained the head injury but as

to his injuries and assault on him, the FIR was lodged after 30 hours though he approached to the police station immediately. He submitted that the alleged incident has taken place due to the family dispute. Now, investigation is completed. The injured are already discharged from hospital. As far as further incarceration of the applicant is concerned which is not required.

4. Learned APP strongly opposed the application and submitted that considering the nature of the injuries sustained by the injured in the present crime itself is sufficient to show the force used by the present applicant while assaulting the injured. He submitted that, considering the nature of injuries sustained by the injured in the present crime the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers. There is no dispute that two FIR's are lodged regarding the alleged incident. The present applicant as well as the injured both have sustained the head injury. Admittedly, injury sustained by the injured in the present crime is serious injury that he has sustained the fracture injury of temporal bone but considering now investigation is completed, there is no apprehension of death due to the said injury and he is already discharged from the hospital. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
 - (ii) The applicant - Rohit Sanjay Gade in connection with Crime No.426/2024 registered with Police Station Chikhali, District Buldhana for the offence punishable under Section 307, 323, 504 and 506 of the Indian Penal Code, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - (iii) The applicant shall not enter into the vicinity of Sambhaji Nagar, Chikhali, District Buldhana, till culmination of the trial.
 - (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
 - (v) The applicant shall attend the proceedings before the Sessions Court on each and every date without seeking any exemption unless there are exceptional circumstances.
6. The contravention of any of the condition would lead to the cancellation of bail.
7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)