



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

CRIMINAL APPLICATION (ABA) NO.173 OF 2025

(Shubham s/o Rajesh Kharat and ors. Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H.M. Mohta, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 28, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.123/2025 registered with Police Station Old City, Akola, District Akola for the offence punishable under Sections 333, 74, 75, 76, 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of bail in the event of their arrest.

2. Learned Counsel for the applicants submitted that the crime is registered on the basis of report lodged by the victim on an allegation that during the quarrel the present applicant No.1 has outraged her modesty by entering into the house and applicant No.2 has assaulted her on her back and thigh. On the basis of the said report police have registered crime. He submitted that the cross-complaints are filed against each other. As far as present complaint is concerned which is lodged only to give a counter blast to the complaint filed by the present applicants. As far as the custodial interrogation is

concerned which is not required as nothing is to be recovered from them. The applicant No.2 has already produced the rod before the investigating agency which was seized, therefore, her custodial interrogation is not required. Considering all these aspects, they be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application and invited my attention towards the statements of the neighbouring witnesses which shows the involvement of the present applicants, therefore, prays for rejection of the application.

4. On hearing both the sides and on perusal of the investigation papers as far as applicant No.1 is concerned specific role is attributed to him. Applicant No. 2 has cooperated during the investigation and as far as applicant No.3 is concerned to whom no overt act is attributed. In view of that, the application deserves to be partly allowed. Accordingly, I proceed to pass following order:

(i) The application is partly allowed.

(ii) The prayer of applicant No.1 as to the grant of anticipatory bail is hereby rejected.

(iii) In the event of the arrest, applicant No.2 - Sau. Shobha Rajesh Kharat and applicant No.3 – Mohammad Inzemam s/o

Mohammad Abrar in connection with Crime No.123/2025 registered with Police Station Old City, Akola, District Akola for the offence punishable under Sections 333, 74, 75, 76, 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing PR. Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iv) The applicant Nos.2 and 3 shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(v) The applicant Nos.2 and 3 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)