



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

CRIMINAL APPLICATION (ABA) NO.245 OF 2025
(Suryakant s/o Dineshkumar Tiwari 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. A.R. Saxena, Advocate for the applicant.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 2, 2025.

Apprehending arrest at the hands of police in connection with Crime No.149/2025 registered with Police Station Gondia Gramin, Tahsil and District Gondia for the offence punishable under Section 303(2) of the Bhartiya Nyaya Sanhita, 2023, the applicant approached to this Court for grant of pre-arrest bail.

2. The allegations levelled against the unknown persons on the basis of the report lodged by Parmeshwar Ganesh Lichade on an allegation that he has kept the construction material in open space in front of office of one Govind Bhatia which was stolen by some known persons, and therefore, he lodged the report. During investigation, the Investigating Officer registered the offence against the present applicant, and therefore, he is apprehending arrest at the hands of police.

3. Learned Counsel for the applicant submitted that merely on suspicion the offence is registered against the present applicant. Earlier two offences are registered against the present applicant out of which in one offence he is already acquitted and other offence wherein the non-cognizable report is filed. He submitted that out of business rivalry he is implicated in the alleged offence. As far as the custodial interrogation is concerned which is not required. The applicant has already attended the police station. In view of that, he be released on anticipatory bail.

4. Learned APP strongly opposed the said contention on the ground that the applicant has not approached to the concerned Investigating Officer and not cooperated with the investigating agency. In view of that, interim protection granted to the applicant deserves to be cancelled.

5. I have heard learned Counsel for both the sides. On perusal of the investigation papers it reveals that the allegation against the present applicant is that he has stolen the construction material which was kept in open space. As far as the nature of the investigation is concerned admittedly there is no direct material to connect the present applicant with the alleged offence. The applicant is already directed to attend the concerned police station and to cooperate with the investigating agency. In view of that, the interim protection granted to

the applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant – Suryakant s/o Dineshkumar Tiwari in connection with Crime No.149/2025 registered with Police Station Gondia Gramin, Tahsil and District Gondia for the offence punishable under Section 303(2) of the Bhartiya Nyaya Sanhita, 2023, 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.

(iii) The applicant shall attend the concerned police station once in a week. i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The Investigating Officer shall kept the entries in the general diary as to the attendance by the present applicant and the applicant shall also maintain his diary as to the presence before the Investigating Officer.

(v) 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.

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.)

**Divya*