



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

CRIMINAL APPLICATION (ABA) NO. 258 OF 2025

Abhijeet s/o Chandrashekar Samarth Vs State of Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO. 259 OF 2025

Avinash s/o Devraoji Kolte 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. Ejaz Khan, counsel for applicant [in ABA no. 258/2025]

Mr. Anil Mardikar, Senior Counsel with Mr. Digvijay Singh, counsel for applicant [in ABA No. 259/2025]

Mr. D.V. Chauhan, Public Prosecutor (Senior Counsel) with Mr. N.B. Jawade, APP for non-applicant/
State in both the applications.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/06/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.167/2025 registered with Police Station Ambazari, Nagpur for the offence punishable under Sections 109(1), 115(2), 127(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Heard learned Senior Counsel Mr. Anil Mardikar for the applicant in Criminal Application (ABA) No.259/2025 and Mr. Ejaz Khan, learned counsel for the applicant in Criminal Application (ABA) No. 258/2025. Learned counsels submitted that the civil dispute was pending between the applicants and the informant, and therefore, they have

decided to settle the matter. However, during a meeting at Advocate Mr. Masodkar's office, the applicants allegedly assaulted the informant with fists and kicks blows, while the co-accused allegedly assaulted him by tying a rope around his neck. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned counsels submitted that there was no intention to cause any injuries, but during the settlement talks, there was hot exchange of words between them, and the alleged incident has taken place. As far as the custodial interrogation is concerned, which is not required, as nothing is to be recovered. It is further submitted that, for recovery of the articles, the applicants can be put under a condition to attend the concerned police station and to produce the rope and knife.

4. Learned Public Prosecutor strongly opposed for the same and submitted that during the scuffle between the two parties, the alleged incident has taken place and both party members sustained grievous injuries. As far as weapon of the offence is concerned, they be directed to produce the said weapon by attending the concerned police station. In view of that, he prays for rejection of the application.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the alleged incident has taken place in the office of the advocate, when the parties were discussing the settlement. During the hot exchange of words, the alleged incident has taken place. Admittedly, the

injured are already discharged from the hospital, and they are not under the apprehension of death. Considering the same, the prayer for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- a] The criminal Applications are **allowed**.
- b] In the event of arrest in connection with Crime No.167/2025 registered with Police Station Ambazari, Nagpur for the offence punishable under Sections 109(1), 115(2), 127(2) and 3(5) of the Bharatiya Nyaya Sanhita, the applicant- **Abhijeet s/o Chandrashekar Samarth** in Criminal application (ABA) No. **258 of 2025** and the applicant – **Avinash Devraoji Kolte** in Criminal Application (ABA) No. **259 of 2025** shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- c] The applicants 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 with the investigating agency till filing of the charge-sheet.
- d] The applicants shall produce rope and knife before the investigating officer and this period

shall be considered as their custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023

- e] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, and they shall not indulge in the similar type of the activities.

Criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]