



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

CRIMINAL APPLICATION (ABA) NO.273 OF 2025

Suryakant s/o Ganpatrao Mawale Vs. State of Maharashtra,

AND

CRIMINAL APPLICATION (ABA) NO.274 OF 2025

Waman s/o Ganpatrao Mawale 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

Ms. Shaad Fridos Mirza, counsel for the applicants in both the applications.

Ms. T.H. Udeshi, APP for non-applicant/State in ABA No. 273/2025

Mr. C.A. Lokhande, APP for non-applicant/State in ABA No. 274/2025.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 05/05/2025.

1. Apprehending the arrest at the hands of police of in connection with Crime No. 421/2025 registered under Sections 351(2), 296, 191(2), 190, 189(2), 132, 126(2), 121(1) and 115(2) of the Bhartiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicants, who submitted that the crime was registered on the basis of a report lodged by Avinash Dnyaneshwar Suradkar. The recitals of the FIR show that there was a dispute between the present applicants and the informant on account of the endorsement over the landed property. It further reveals that the possession warrant was issued, and therefore, the

officials of the Court and police personnel, as well as the bailiff, had been to the spot of incident to obtain the possession. At that time, present applicant and the other co-accused assaulted them and thereby caused the injuries. On the basis of the said report, police have registered the crime. She submitted that general allegations have been levelled against the applicants regarding their custodial interrogation, which is not required as no weapon was allegedly used by them. In view of that, they be protected by granting anticipatory bail.

3. The learned APP strongly opposed for the same and submitted that the injury certificate is on record, which shows that the injured has sustained the injuries due to the assault. Moreover, they have intervened in executing the order which is passed by the court, and therefore, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals that the injured has sustained the injuries, which are simple in nature. As far as the custodial interrogations and custody of the applicants are concerned, which is not required. The statements of the witnesses and CCTV footage, though, show the involvement of the present applicants, but considering the nature of the allegations, as nothing is to be recovered, they can be protected by granting

anticipatory bail. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal applications are allowed.
- b] The applicant- ***Waman s/o Ganpatrao Mawale***, in Criminal Application (ABA) No. ***274 of 2025*** and the applicant - ***Suryakant s/o Ganpat Mawale***, in Criminal Application (ABA) No. ***273/2025*** are hereby released on anticipatory bail in the event of arrest, in connection with Crime No. 421/2025 registered under Sections 351(2), 296, 191(2), 190, 189(2), 132, 126(2), 121(1) and 115(2) of the Bhartiya Nyaya Sanhita, 2023, on executing PR. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c] The applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

- e] The applicants shall not indulge in similar type of the activities in respect of the properties, and shall not intervened in executing the order of the Court.

The criminal applications are **disposed of** accordingly.

[URMILA JOSHI-PHALKE, J.]