



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

CRIMINAL APPLICATION (ABA) NO.283 OF 2025

(Sahil s/o Waman Mawale Vs. The State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.284 OF 2025

(Anil s/o Ganpatrao Mawale Vs. The 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. S.F. Mirza, Advocate for the applicants.
Ms T.H. Udeshi, APP for the State.
Mr. C.R. Kulkarni, Advocate for assist to prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MAY 6, 2025.

Heard.

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

2. The crime is registered on the basis of report lodged by Avinash Dnyaneshwar Suradkar. As per the allegations the co-accused Anita Waman Mawale has obtained the loan, and she has not repaid the loan amount, and therefore, she mortgaged property which was allegedly in the possession of the co-accused and the bank officials had been there to receive the said

possession, at the relevant time, the present applicants have assaulted the bank officials and also threatened them. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicant submitted that as far as the custodial interrogation of the applicants, which is not required as nothing is to be recovered from them. Even accepting the allegations that they have assaulted the bank officials but no weapon is used and as per the allegations, they have assaulted them by means of fist and slaps. Thus, considering the nature of the allegations and considering the fact that their custodial interrogation is not required, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that the CCTV panchnama specifically described the role of the present applicant. The bank officials were discharging their official duty and the present applicants have assaulted them, and therefore, their custodial interrogation is required for the interrogation purpose. In view of that, prayer for grant of anticipatory bail deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the investigation papers it reveals that the co-accused has obtained the loan and mortgaged her

property as loan amount was not repaid, therefore, bank officials had been there to obtain the possession, at the relevant time, they were assaulted. The allegation shows that the bank officials were assaulted by the fist and slaps. Thus, considering the allegations, admittedly, no weapon is used, therefore, nothing is to be recovered from the present applicants. As far as the interrogation part is concerned which can be taken care of by imposing certain conditions on them. Accordingly, I proceed to pass following order:

(i) Both the applications are allowed.

(ii) In the event of arrest, the applicants –
1) Sahil s/o Waman Mawale and 2) Anil s/o Ganpatrao Mawale in connection with Crime No.421/2025 registered with Police Station Hinganghat, District Wardha for the offence punishable under Sections 115(2), 121(1), 126(2), 132, 189(2), 190, 191(2), 296 and 351(2) 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.

(iii) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and

1.00 PM and shall cooperate with the investigating agency.

(iv) The applicants 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. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*