



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

CRIMINAL APPLICATION (ABA) NO.328 OF 2025
(Shailesh s/o Gajanan Sardar and anr. Vs. State of Maharashtra)
AND

CRIMINAL APPLICATION (ABA) NO.387 OF 2025
(Anandkumar s/o Bharat Ingle and ors. 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. C.N. Wankhade, Advocate for the applicants.
Mrs. M.A. Barabde, APP for the State in ABA No.328/2025
Mr. A. Madiwale, APP for the State in ABA No.387/2025

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 7, 2025.

Leave is granted to the applicant in Criminal Application (ABA) No.328/2025 to correct the name of applicant No.2.

2. Apprehending the arrest at the hands of Police in connection with Crime No.108/2025 registered with Police Station Telhara, District Akola for the offences punishable under Sections 299, 74, 76, 333, 352, 351(2), 309(4), 79, 189(2), 191(2), 190 and 324(4) of the Bharatiya Nyaya Sanhita (BNS), 2023, the applicants approached to this Court for grant of pre-arrest bail.

3. Learned Counsel for the applicants submitted that initially the report was lodged against the complainant on behalf of Nageshwar Sanjay Ingle, as the complainant and other prosecution witnesses have insulted and caused damage to Blue Flag as well as

Dhamma Dhvaj, and therefore, to give a counter blast to the said reports, the false report has filed against the them. He submitted that, general allegations are levelled against the present applicants and their custodial interrogation is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP for the State, strongly opposed the application on the ground that, there is specific allegation against the present applicants that, they have caused the damage to the property of the complainant. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the recitals of the FIR, it reveals that, in two communities the dispute started and out of that the alleged incident had taken place. Both the parties have alleged against each other regarding causing damage to the Idol of Lord Ram as well as the Dhamma Dhvaj. Thus, considering the nature of the incident, as far as the custodial interrogation is concerned, which is not required. In view of that, both the applications deserve to be allowed. Accordingly, I proceed to pass the following order:

(i) In the event of arrest, the applicants - Shailesh s/o Gajanan Sardar, Adesh s/o Gajanan Sardar, Anandkumar s/o Bharat Ingle, Rahul s/o Rambhau Ingle and Deepak s/o Ramesh Ingle in connection with Crime

No.108/2025 registered with Police Station Telhara, District Akola for the offences punishable under Sections 299, 74, 76, 333, 352, 351(2), 309(4), 79, 189(2), 191(2), 190, 324(4) of the Bharatiya Nyaya Sanhita (BNS), 2023, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(ii) The applicants shall attend the concerned Police Station once as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iii) The applicants shall not indulge themselves in similar type of activities and causing damage to the public property.

(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. The contravention of any of the condition would lead to the cancellation of bail.

7. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)