



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

CRIMINAL APPLICATION (BA) NO. 646 OF 2025

Aayush s/o Shivanand Appa Bodkhe and others 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. R.M. Daga, counsel for applicants.

Mr. A.J. Ghogkar, APP for Non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/07/2025.

1. The applicants came to be arrested on 13/05/2025 in connection with Crime No.95/2025 registered with Police Station Khallar, District Amravati, for the offence punishable under Sections 103(1), 103(2), 125, 189(2), 189(4), 190, 191(2), 191(3), 352, and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by Sarika Sanjay Jipparkar, on an allegation that she is residing along with the family members, and the present applicants are her neighbours. There is a dispute between them on account of open premises in front of their house, and a civil suit is pending between them. On 12.05.2025 the present applicants, along with the other co-accused, came in front of her house, kicked on the door of her

house, and one of the co-accused, Santosh Bodkhe thrown a brick, due to which her father-in-law sustained injuries. On the basis of the said report, police have registered the crime.

3. Learned counsel submitted that as far as these applicants are concerned except the allegation that they have kicked on the door, no overt-act is attributed to them. Now, the investigation is practically completed, and considering the role attributed to the present applicants, their further incarceration is not required, in view of that, they be released on bail.

4. Learned APP strongly opposed for the same and submitted that the applicants have formed the unlawful assembly, and in furtherance of their common object of that said assembly, they have assaulted the injured as well as the other family members of the informant. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the recitals of the FIR, there is no dispute that there was a previous enmity between the informant and the present applicants. As far as these applicants are concerned only allegations against them, they have kicked on the door of the informant, no overt-act is attributed to them, and their further incarceration is not required. In view of

that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is allowed.
- b] The applicants, namely *(1) Aayush s/o Shivanand Appa Bodkhe (2) Om @ Atharva s/o Mahesh Appa Bodkhe, and (3) Prathamesh s/o Shiv Appa Bodkhe*, shall be released on bail in connection with Crime No.95/2025 registered with Police Station Khallar, District Amravati, for the offence punishable under Sections 103(1), 103(2), 125, 189(2), 189(4), 190, 191(2), 191(3), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- c] The applicants shall not indulge themselves in similar types of activities.
- c] A single registration of the offence would lead to cancellation of bail.
- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

- e] The applicants shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

Criminal Application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]