



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

CRIMINAL APPLICATION (ABA) NO.490 OF 2025

Gopal Nanji Markand and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Hiwarkhed District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicants.

Ms. H. N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.117/2025 registered with Police Station Hiwarkhed, District Buldhana for the offences punishable under Sections 118(1), 118(2), 189(2), 191(2), 190, 351(2), 351(3) of the Bharatiya 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 is registered on the basis of report lodged by Gajanan Daulat Pandhare on an allegation that there is a previous dispute on account of the measurement of the agricultural land and on that count, on 20.06.2025 there was a scuffle between them and in that scuffle, the injured have sustained the injuries and they were assaulted by the

present applicants. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that the omnibus allegation is levelled against the present applicants. Moreover, all the injured are already discharged from the hospital. As far as their custodial interrogation is concerned, which is required for the recovery of the stick. The applicants are ready to cooperate with the investigating agency and ready to produce the stick. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that considering all the applicants have formed the unlawful assembly and in pursuance of the common object of the said assembly, the injured were assaulted. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that due to the previous enmity the alleged incident has taken place. The medical certificate shows that one of the injured namely, Gajana Daulat Pandhare has sustained one grievous injury and rest of the injuries are simple in nature. The injuries are also not on a vital part of the body. It is apparent that in a scuffle, they have sustained the injuries. As

far as the custodial interrogation is concerned, which is not required. In view of that, the application deserves to be allowed. Accordingly I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant **No.(1) Gopal Nanji Markand, No.(2) Balu Manthaji Markand, No.(3) Gulab Sonaji Markand, No.(4) Rama Roduji Markand** shall be released on anticipatory bail in connection with Crime No.117/2025 registered with Police Station Hiwarkhed, District Buldhana for the offences punishable under Sections 118(1), 118(2), 189(2), 191(2), 190, 351(2), 351(3) 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.
- (iii) The applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigation agency.
- (iv) The applicants shall produced the stick before the Investigating Officer and the said period shall be considered as their custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhinyam, 2023.
- (v) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(4)

925.ABA.490.2025

(vi) The applicants shall not indulge themselves in similar types of the activities.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate