



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

CRIMINAL APPLICATION (BA) NO.766 OF 2025

Shivanand Narayan Appa Bodkhe and others
Vs.

State of Maharashtra, through Police Station Officer, Police Station Khallar
District Amravati (Rural)

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

Court's or Judge's orders

Mr. R. M. Daga, Counsel for the applicants.
Mr. N. B. Jawade, APP for non-applicant / State.
Mr. Gaurang Bhake, Counsel for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/07/2025

Criminal Application (APPP) No.1484/2025

1. By this application, the original complainant is seeking permission to engage the Counsel to assist the prosecution. In view of the reasons mentioned in the application, the complainant is permitted to engage the Counsel to assist the prosecution.
2. The application is disposed of.

CRIMINAL APPLICATION (BA) NO.766 OF 2025

1. The present application is preferred by the present applicants for grant of 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, the applicants came to be arrested on 13.05.2025.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by Sarika Sanjay Jipparkar, on an allegation that she is residing along with the other family members and the present applicants are her neighbourers. There is a dispute between them on account of open premises in front of their house and they were constructing a wall. On that count, the present applicants and other co-accused came in front of their house. One of the co-accused Santosh Bodkhe thrown a brick which hit on the head of her father-in-law and who succumbed to the death. On the basis of the said report, the crime is registered against the present applicants. He submitted that as far as the present applicants are concerned, except the abuses, there is no other allegation against them. As far as throwing of the brick is concerned, which is against the Santosh Bodkhe. Now the investigation is practically completed, charge-sheet is yet to be filed. In view of that, they be released on bail.

3. Learned APP and learned Counsel for the complainant strongly opposed the said application and submitted that in furtherance of their common object, all the accused came in front of the house of

the informant and put them under the apprehension of grievous injuries and caused the injuries to the father-in-law of the informant, which proved to be fatal. In view of that, the application deserves to be rejected.

4. On hearing both sides and on perusal of the recitals of the FIR, there is no dispute as to the fact that there was a previous enmity between the informant and the present applicants. As far as the allegation against the present applicants is concerned, which is to the extent of abuses to the informant and her family members. The allegation of throwing the brick is against the co-accused Santosh Bodkhe, due to which the death of the deceased is caused. Considering now the investigation is practically completed, further incarceration of the present applicants is not required, no overt act is attributed to them. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **No.(1) Shivanand Narayan Appa Bodkhe, No.(2) Mahesh Narayan Appa Bodkhe, No.(3) Suresh Appa Bodkhe, No.(4) Manoj Shivshankar Appa Bodkhe, No.(5) Sadashiv Shivshankar Appa Bodkhe and No.(6) Dilip 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.

(iii) The applicants shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m., till filing of the charge-sheet 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.

(v) The applicants shall not indulge in a similar type of the activities. A single registration of the offence would lead to the cancellation of bail.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)