



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

CRIMINAL APPLICATION(ABA) NO. 617 OF 2025

Atish Subhash Nikalje and anr. Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.N.Shinde, counsel for the applicants.
Mr. Vinod Thakare, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 04/09/2025

1. Heard.

2. The applicants have apprehension of arrest in Crime No.224 of 2025 for the offence punishable under Sections 118(1), 79, 115(2), 351(2), 352 and 3(b) of the Bhartiya Nyaya Sanhita, 2023.

3. The first informant Bharti Arun Nikalje has lodged the complaint against the applicants and one of the accused. The father of the applicants and the first informant are the relatives. They are from same family. The allegations are made that the father of the applicants gave threats to the husband of the informant on phone not to stay in said village and on the same day, the accused no.1 went with these applicants to the said village and assaulted the injured and

the first informant when they were going to their farm. The assault is with fists and blows, stone and with the plastic pipe. Because of said assault, the injured had fracture to his leg and the allegations are about the assault by rod on the head of the first informant.

4. The learned counsel for the applicants has stated that the accused no.1 is arrested and released on bail. The interim protection is granted to applicant No.2 (Ratish Subhash Nikalje) and interim protection is not granted to applicant no.1(Aatish Subhash Nikalje). The role of these applicants is about pelting of the stone and assault by rod. The learned counsel appearing for the applicants has stated that the investigation is almost completed. The injured is discharged from the hospital. Counter FIR is filed. The mother of the injured has lodged the complaint against the applicants. Considering the dispute between the family members prayed to grant ad-interim anticipatory bail to the applicants.

5. The learned APP opposed the application stating that there is fracture to the injured. The First Information Report which was lodged by the mother of the applicants is after this incident. It is after thought. The witnesses have stated about the incident. The custodial interrogation of the

applicants is necessary. The applicants have criminal antecedents. Hence, prayed to reject the application.

6. Heard the learned counsel appearing for the applicant and the learned APP.

7. On perusal of record, the injury certificate it reveals that there is a fracture to the left leg of the injured. Earlier, threats were given and thereafter the applicants went with preparation and assaulted the paternal uncle and aunt. Considering the statement of eye witnesses and the other persons, the gravity of the offence, the custodial interrogation of these applicants is necessary.

Hence, the Criminal application is rejected.

JUDGE