



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

CRIMINAL APPLICATION (ABA) NO.713 OF 2024

(Shivkumar Nandkishor Marathe Vs. The State of Maharashtra thr. PSO Police
Station Tumsar, Tah. Tumsar, Dist. Bhandara)

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

Court's or Judge's orders.

Mr. S. P. Sonwane, Advocate for Applicant.
Mr. N. B. Jawade, APP for Non-Applicant/State.
Ms. A. M. Telange, Advocate for assist to prosecution.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 22nd APRIL, 2025.

1. Heard.
2. Apprehending the arrest at the hands of the police in connection with Crime No.396/2024 registered with Police Station Tumsar, District Bhandara for the offences punishable under Sections 352, 351(2), 318(4), 316(2), 3(5) and 118(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 66(d), 66(c) and 66 of the Information Technology Act, 2000.
3. The applicant is apprehending arrest at the hands of police as the crime is registered on the basis of report lodged by Nishant Santosh Tandekar, who alleged that as the present applicant has promised him to pay money and therefore, he opened the account in the Bank and withdrawn the amount. At that time, the present applicant and the other co-accused quarreled with him on

account of withdrawal of the money. At that time, the co-accused gave a blow of iron rod on his head, and therefore, he sustained the injuries and the unknown persons threatened him. On the basis of the said report, police have registered the crime.

4. Heard learned counsel for the applicant who submitted that as far as the weapon of the offence is concerned which is already produced by the present applicant before the Investigating Officer. He has already acquainted the sections as far as his custodial interrogation is concerned, which is not required as he has co-operated with the Investigating Agency. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

5. Learned APP and learned counsel for the complainant strongly opposed the said application and submitted that present applicant was running Mahadeo App and obtaining the money from the various investors and various investors were duped by the present applicant by way of that. They further submitted that out of the said transaction the alleged incident has taken place, the injured has sustained the grievous injuries, and therefore, the custodial interrogation of the present applicant is required. In view of that, the application of the applicant deserves to be rejected.

6. After hearing the learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR, from which it reveals that no overt act is

attributed to the present applicant, he was present there. As far as the allegations as to the running of Mahadeo App is concerned which is against the other co-accused. It further reveals from the investigation papers but the present applicant has already produced the weapon of the offence before the Investigating Officer. The diary entries also shows that he has attending the court. Thus, there is no allegation that he has misused the liberty. Considering the same, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of the arrest in connection with Crime No.396/2024 registered with Police Station Tumsar, District Bhandara for the offences punishable under Sections 352, 351(2), 318(4), 316(2), 3(5) and 118(2) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 66(d), 66(c) and 66 of the Information Technology Act 2000, the applicant Shivkumar s/o Nandkishor Marathe shall be released on anticipatory bail, on executing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- (iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency till filing of the charge-sheet.
 - (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)