



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

CRIMINAL APPLICATION(ABA) NO. 774 OF 2025

Tushar Arjun Rathod Vs. State of Maharashtra

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

Court's or Judge's Orders.

Mr. N.L.Jaiswal,counsel for the applicant.
Mr.Anant Ghogare,APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 11/12/2025

1. The applicant is praying for grant of anticipatory bail in Crime No.294/2025 registered with Police Station Janephal, district Buldhana for the offence punishable under Sections 132, 121(1), 352, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023.

2. It is the case of complainant that he has been driving S.T. Bus and taking the passengers from Khamgaon to Mehkar. At around 1:40 p.m., on 12/09/2025 he stopped the bus at Parkhed to drop the passengers. Thereafter, some of the passengers boarded from said stop and bus has moved towards Mehkar thereafter the applicant came before the bus and stopped the bus and said that his mother and sister-in-

law are coming so proceed after they would come. It is alleged that the applicant has obstructed the bus and said that he would move aside when his family members would come. Thereafter, the complainant alleged that he had said to the applicant that he is getting late and thereafter applicant has grabbed the collar of complainant and has given slaps on face and fist blows. During this the applicant pushed the complainant and because of that he was also hurt due to metal sheet of the bus. Thereafter, other passengers came there and rescued the complainant. The complainant has lodged the complaint and offence is registered.

3. The learned counsel for the applicant has stated that no such incident is took place. As the nephew of the applicant was not well, he was required to admit in the hospital, therefore, he asked the complainant to stop the vehicle. FIR is on exaggerated circumstances and the mandatory provision of issuing the notice under Section 41-A of the Code of Criminal procedure is not followed. Custodial interrogation of this applicant is not necessary. Hence, prayed to protect him by granting anticipatory bail.

4. Learned APP opposed the application stating that he has assaulted the public servant, when he was on duty and was in uniform. The custodial interrogation of this

applicant is necessary. Hence, prayed to reject the application.

5. Heard both the sides and perused the record.

6. The allegations are made that the applicant, who is the passenger, had obstructed the public servant by obstructing public vehicle and assaulted him by slaps. The crime is registered. It appears that though the notice under Section 41-A of the Cr.P.C. is mandatory, it is not issued. Considering the allegations made against this applicant, non compliance of Section 41-A of the Cr.P.C case is made out to grant anticipatory bail. Accordingly, I pass following order:

i] It is directed that in the event of arrest of the applicant Tushar Arjun Rathod, in connection with Crime No.294/2025 registered with Police Station Janephal, district Buldhana for the offence punishable under Sections 132, 121(1), 352, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023 he be released on bail on furnishing P.R. Bond in the sum of Rupees Twenty Thousand with one solvent surety in the like amount.

ii] The applicant shall not in any way tamper with the prosecution evidence.

iii] The applicant shall not pressurize or threaten the prosecution witnesses.

iv] The applicant shall attend the concerned police station daily between 7:00 p.m. to 9:00 p.m. till filing of the charge-sheet.

v] The applicant shall co-operate the investigation officer.

7. The application stands disposed of.

JUDGE