



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

CRIMINAL APPLICATION(ABA) NO. 833 OF 2025

Santosh Chintaman Pote 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. V.N. Patre, counsel for the applicant.
Ms. Trupti Udeshi, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 28/11/2025

- 1) Heard.
- 2) The applicant is having apprehension of arrest in connection with Crime No.288 of 2025, registered with Police Station Vasantnagar, District Yavatmal for the offences punishable under Sections 115(2), 118(1), 3(5), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.
- 3) It is the case of prosecution that, one Baban Sadhu Dongre on 22.08.2025 at about 7.30 p.m. was playing videos on the mobile with loud voice, therefore, the complainant asked him to play the video with low voice. Some altercation took place between them. The nephew of the applicant went to the house and came with applicant. Assault was made by

the nephew with the help of the applicant. Therefore, in the assault the injury caused to the complainant, hence, the First Information Report was registered.

4) The learned counsel appearing for the applicant has stated that the applicant, who is the maternal uncle of the juvenile, he came along with juvenile and juvenile has assaulted with an iron rod and the brick. The role of this applicant is not mentioned in the First Information Report. Though there is fracture, it is because of the assault by the juvenile. Considering the role played by this applicant, the custodial interrogation of this applicant is not necessary hence prayed to protect him by granting anticipatory bail.

5) The learned APP has opposed the application stating that the applicant being an elderly person, the maternal uncle of the juvenile instead of stopping him, he helped him and quarrelled with the complainant. His role is there as he came out along with the juvenile. The medical certificate shows the grievous injury to the complainant. Hence, prayed to reject the application.

6) Heard both the sides and perused the record.

7) On perusal of the FIR it appears that the allegations about the assault are made against the juvenile. Though the

presence of this applicant was there, the allegations about the assault by brick or by an iron rod are not made against this applicant. Though medical certificate shows that there are grievous injuries to the injured this applicant is not responsible for said injuries. Only because, he was present there and he questioned the complainant, the custody of this applicant is not required. Hence the application is allowed. Accordingly, I pass following order:

i] It is directed that in the event of arrest of the applicant Santosh Chintaman Pote in connection with Crime No. 288 of 2025, registered with Police Station Vasantnagar District Yavatmal for the offences punishable under Sections 115(2), 118(1), 3(5), 351(2), 351(3) and 352 of the 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 as and when called by the police.

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

8) The application stands disposed of.

JUDGE