



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

CRIMINAL APPLICATION (ABA) No. 847 OF 2024

Mahendra s/o Dnyaneshwar Dukare and another Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Abhay Sambre, counsel for applicants.

Mr. M.K. Pathan, APP for non-applicant/State.

Mr. Varun Kataria, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/02/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.444/2024 registered with Police Station Nandgaon Peth, District Amravati for the offences punishable under Sections 109, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Sachin Vishwasrao Dukare, alleging that due to a previous dispute between his family and the family members of the present applicants, on an allegation that out of a previous dispute between his family and the family members of the present applicants, on 14/11/2024, while he was proceeding with his tractor, the present applicants suddenly came in front of him. Applicant No. 2 gave a blow with an iron rod on his head, whereas applicant No.1 assaulted him by

means of a wooden log on his left hand, due to which he has sustained the injuries.

3. Learned counsel for the applicants submitted that out of the previous dispute, this FIR came to be lodged. Now, they have settled their dispute amicably. The complainant has also filed the affidavit to the extent that he has sustained the injuries due to falling down from his tractor. Considering the same, the custodial interrogation of the present applicants is not required, and therefore they be protected by granting anticipatory bail.

4. Though learned APP strongly opposed the said application on the ground that considering the role attributed to the present applicants, but fairly submitted considering the role of the applicants and instructions received from the investigating officer, the custodial interrogation of the present applicants is not required.

5. After hearing both sides and on perusal of the investigation papers, it reveals that out of the previous dispute, the alleged incident has occurred. Considering the role and the affidavit filed by the present complainant, the custodial interrogation of the present applicants is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] In the event of arrest, applicant No.1 – ***Mahendra s/o Dnyaneshwar Dukare***, applicant

No.2 – *Anant s/o Dnyaneshwar Dukare*, in connection with Crime No.444/2024 registered with Police Station Nandgaon Peth, District Amravati for the offences punishable under Sections 109, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, shall be released on anticipatory bail, on executing PR. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

- b] The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- c] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]