



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

CRIMINAL APPLICATION (BA) NO. 7 OF 2025

Ashwin S/O Kotiram Naade 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

Ms PC. Amesar, counsel for applicant.

Mrs. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/02/2025.

1. The applicant came to be arrested on 10/06/2024 in connection with Crime No. 375/2024 registered with Police Station Beltarodi Nagpur for the offence punishable under Sections 143, 147, 148, 307, 504 read with Section 149 of the Indian Penal Code, 1860; and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of a report lodged by the informant, on an allegation that on 09/06/2024, the informant was sitting in the courtyard of Shitla Mata Mandir along with his friends, at about 11 to 11.30 p.m. one Dilip Shahu and his friends Piyush Sontakke were passing on their motorcycle by driving in a rash and negligent manner. Therefore, the complainant and his friends told them to drive the vehicle slowly. On that count, there was a hot exchange of words between them, and during that hot exchange of words, there was a scuffle, and in that scuffle, the injured was assaulted by the co-accused. At the relevant time, the present applicant was present, and it is alleged that he has

assaulted by fist and kick blows. On the basis of the said report, against the present applicant.

3. Heard learned counsel for the applicant, who submitted that as far as the present applicant is concerned, except the allegation that he assaulted by fist and slaps, there is no allegation that either he has used any weapon or caused any grievous injury to the injured. It is submitted that there are cross-complaints filed against each other. Initially, regarding the incident, crime No. 374/2024 was also registered on the basis of report lodged by Smt. Geeta Shahu. To give counter blast of the said complaint, the FIR is lodged against the present applicant and the other co-accused. Considering the role attributed to the present applicant and the other co-accused with a similar role, who are already released on bail, therefore, the present applicant deserves to be released on bail.

4. Learned APP strongly opposed the said application on the ground that during the scuffle between the two groups, the complainant and the other injured witnesses have sustained the injuries. It is further submitted that, if the applicant is released on bail, he would tamper with the prosecution evidence, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there was a scuffle between the two groups, and in that scuffle, both party members have sustained the injuries, and one of the injured

has lost his life. Regarding the said incident, crime No. 374/2024 is registered, and the present crime No. 375/2024 is registered on the basis of the report lodged by Akash Sudam Lilahare. Even taking into consideration the allegation as it is, no overt-act is attributed against the present applicant. In view of the above, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order.

- a] The criminal application is **allowed**.
- b] The applicant – Ashwin Kotiram Naade, shall be released on bail, in connection with Crime No. 375/2024 registered with Police Station Beltarodi Nagpur for the offence punishable under Sections 143, 147, 148, 307, 504 read with Section 149 of the Indian Penal Code, 1860; and Section 135 of the Maharashtra Police Act, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall not enter into the vicinity of Nagpur except attending the Court proceedings.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case, either personally or by way of electronic media.
- e] The applicant shall attend the proceedings before the Sessions Court without seeking any

exemption unless there are exceptional circumstances.

- f] The applicant shall furnish his address wherein he intends to reside after he is released on bail along with address proof.

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

[URMILA JOSHI-PHALKE, J.]