



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

CRIMINAL APPEAL NO.479/2025

**Akash s/o Kailash Nirmalkar Vs. The State of Maharashtra, Through
Deputy Superintendent of Police, Police Station Gondia City and
another**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.N. Rangari, Advocate for Applicant
Mrs. Mrunal Barabde, APP for Respondent No.1
Ms. Vedika Thakare, Advocate (Appointed) for Respondent No.2

CORAM: NIVEDITA P. MEHTA, J.

DATED : 26th NOVEMBER, 2025

1. Heard.
2. **ADMIT.**
3. Issue notice to the respondents.
4. The learned Additional Public Prosecutor waives service of notice for respondent No.1.
5. Ms. Thakare, learned counsel waives service of notice for respondent No.2.
6. The present appellant has filed the instant appeal challenging the order below Exh.23, dated 29.07.2025, in Special (Atro) Case No.42/2025, passed by the 3rd Additional Sessions Judge, Gondia, whereby the application for grant of ad-interim anticipatory bail was rejected.

7. Learned counsel for the appellant submits that accused Nos. 1 and 2 have already been granted regular bail by the learned Special Court, Gondia. It is further contended that the name of the appellant is not mentioned in the FIR and has surfaced only during the course of investigation, in the supplementary statement of the informant/victim. It is also submitted that the appellant was not aware of the caste of the informant/injured. The applicant is a permanent resident of Raipur, and has no criminal antecedents.

8. Per contra, learned Additional Public Prosecutor submits that the informant has clearly stated in her supplementary statement as well as in the statement recorded under Section 183 of the Bhartiya Nagrik Suraksha Sahita that the present appellant had allegedly abused her in filthy language and assaulted her with an iron skimmer.

9. Upon considering the nature of the allegations and the fact that accused Nos. 1 and 2 have already been granted regular bail, it appears that custodial interrogation of the present appellant is not necessary. In view of the same, the present appeal is allowed. The order below Exh.23, dated 29.07.2025, in Special (Atro) Case No.42/2025, passed by the 3rd Additional Sessions Judge, Gondia, is hereby quashed and set aside.

10. The appellant shall be released on execution of a solvent surety of Rs.25,000/- along with a personal recognizance bond of like amount.

11. The fees of Ms. Vedika Thakare, learned counsel appointed to represent respondent No.2, shall be quantified and paid in accordance with the rules.

(NIVEDITA P. MEHTA, J.)

MP Deshpande