



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

CRIMINAL APPLICATION (BA) NO. 798 OF 2025

(Dilip S/o Gondu Surtne

Vs.

State of Maharashtra, Thr. PSO, Police Station Sonala,
Tah. Sangrampur, District-Buldana)

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. R.D. Karode, Advocate a/w Mr. S.S. Agarkar, Adv. for the Applicant.
Mr. A.A. Madiwale, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 4th AUGUST, 2025

1. The Applicant came to be arrested on 23.03.2025, in connection with Crime No. 72/2025 registered with Police Station Sonala, District Buldhana for the offence punishable under Sections 109, 118(1) 125, 296, 351(2), 351(3), 352 of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by the Informant on an allegation that on 22.03.2025 there was a quarrel between the Applicant and the Victim on account of dumping of waste garbage in front of the house of the Informant by the accused. During the said quarrel the accused threatened the Informant by stating that he will kill the Informant and his son and nephew. The Applicant pelted the stone towards them which hit the head of Javed, nephew

of the Informant and also Vijay the son of the Informant. It is contended that both Javed and Vijay suffer injuries because of the pelting of the stone. On the basis of the said report Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant who submitted that due to trifle reason the alleged incident has taken place. Admittedly, the Applicant was not prepared by carrying any weapon, whatever happened is in a sudden quarrel. Now, investigation is already completed, charge-sheet is already filed further incarceration of the present Applicant is not required.

4. Learned APP, strongly opposed the said application on the ground that the injured had sustained the grievous injuries, the CT scan report shows that there was a fracture of left parietal bone as far as the injured Vijay is concerned. He submitted that both the injured had sustained the grievous injuries due to the said incident. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers it reveals that, there was a dispute on account of dumping of waste garbage in front of the house of the Informant, and therefore, the alleged incident has taken place. Admittedly, the present Applicant was not armed with any weapon. During the sudden fight and sudden quarrel, he has pelted the stone towards the injured which hit the injured, and therefore, injured sustained the grievous injuries. As far as further incarceration is concerned, which is not

required as the investigation is already completed charge-sheet is already filed, also there is no apprehension of death of the injured as they are already discharged from the Hospital. Considering all these aspects, the Applicant has made out the case for grant of bail. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Dilip S/o Gondu Surtne in connection with Crime No.72/2025 registered with Police Station Sonala, District Buldhana for the offence punishable under Sections 109, 118(1) 125, 296, 351(2), 351(3), 352 of the Bhartiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- iii. The Applicant 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.
- iv. The Applicant shall not indulge himself in similar type of activities and single registration of the crime would lead to the cancellation of bail.

- v. The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

SD. Bhimte