



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

CRIMINAL APPLICATION (BA) NO. 817 OF 2025

(Santosh Gulabrao Dolarkar

Vs.

State of Maharashtra, Thr. PSO, P.S. Manora, Tq. Manora,
Dist. Washim.)

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.M. Daga, Advocate for the Applicant.

Mr. Neeraj Jawade, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 8th AUGUST, 2025

1. The Applicant came to be arrested on 28.01.2025, in connection with Crime No. 55/2025 registered with Police Station Manora, District Washim for the offence punishable under Section 109 of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by Gopal Dolarkar on an allegation that there was a boundary dispute between his father and the father of the present Applicant. The father of the Complainant had scolded the wife of the present Applicant as she had tried to disturb the boundary of his field. On 06.01.2025 at about 08.30 p.m., the father of the Complainant was going towards his field in front of shop of one Dilip Dafade, at that time he was assaulted by the present Applicant. 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, the earlier MLC report shows that the injury sustained by the injured was of a simple in nature. The injured is already discharged from the Hospital. Due to the previous dispute the present Applicant is implicated falsely, as far as the further incarceration is concerned, which is not required. In view of that the Applicant be released on bail.

4. Learned APP, strongly opposed the said Application and invited my attention towards the statements of the witnesses and submitted that considering the conduct of the present Applicant, if he is released on bail he would not only tamper the prosecution witnesses but there is an apprehension of endanger to the life of injured as well as the Complainant, and therefore, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, as far as the dispute between both the Complainant and the present Applicant is concerned, which is on account of boundary of the agricultural land. The involvement of the present Applicant also reveals from the investigation papers. However, considering now the investigation is already completed charge-sheet is already filed and the injured is also discharged from the Hospital, the Applicant cannot be kept behind bars by way of punishment. In view of that, the Application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
 - ii. The Applicant – Santosh Gulabrao Dolarkar in connection with Crime No.55/2025 registered with Police Station Manora, District Washim for the offence punishable under Section 109 of the Bhartiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount.
 - iii. The Applicant shall not enter into the vicinity of Village Ratanwadi, Tahsil Manora, District Washim till culmination of the trial.
 - iv. 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.
 - v. The Applicant shall attend the proceedings before the Sessions 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.)