



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

CRIMINAL APPLICATION (BA) NO.1185/2025

(Madhav Namdeo Tade Vs. The State of Maharashtra, through Police Station Akot City, District Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rizwan Ali, Advocate for the applicant.
Mr. Anant Ghogare, A.P.P for non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 27.11.2025.

The applicant is arrested in Crime No.208/2025 for the offence punishable under Sections 109, 132, 351(2), 352, 3(5), 121(1) and 121(2) of the Bhartiya Nyaya Sanhita.

2. Father of applicant has executed a registered gift-deed of his agricultural land in favour of Sham Namdeo Tade and Devansh Sham Tade and on that basis the Ferfar of land was sought. Being aggrieved by the same, the present applicant raised his objection, therefore, Talathi R.P. Mendhe forwarded the said objection to the office of the informant for further hearing which was to be handled by the informant. The informant issued notices and on the basis of the documents and hearing, rejected the objection raised by the applicant and allowed the Ferfar.

3. On 5.6.2025 at around 31.5 p.m the applicant along with co-accused came at the office of informant and asked him as on what basis the order has been passed and demanded the order copy immediately. The informant was working on his laptop and asked the applicant to wait for some time. At that time, the applicant and co-accused started abusing the informant and thrown his laptop and

also documents placed on his table. The present applicant caught hold both hands of informant and co-accused hold his hairs and assaulted the informant on his neck by iron cutter resulting into bleeding injury. Then the applicant and co-accused fled away from the spot. Therefore, the crime is registered against this applicant.

4. The learned Advocate for the applicant has submitted that assault was not by this applicant and role attributed to this applicant is that he had caught hold both hands of the first informant, therefore, offence under Section 109 of I.P.C. is not attracted. The injured was immediately discharged. The nature of injury is not mentioned in the medical report. The applicant is ready to abide by the conditions imposed by this Court. Hence, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating that F.I.R. shows that the applicant was involved in the crime as he had caught hold of both hands of the first informant and thereafter co-accused assaulted the informant. The intention was there to commit a murder. The offence under Section 353 of the I.P.C. is also committed by both the accused persons. Hence, prayed to reject the application.

6. Heard both sides and perused the record.

7. The applicant has relied on the judgment of this Court in the case of Lakhya alias Nikhil Prakash Kshirsagar V/s. The State of Maharashtra reported in 2015(1) B Cr C 450 in support of his case.

8. The applicant is not the main assailant. The role attributed to this applicant is of holding both hands of informant and co-accused has assaulted with iron cutter to the informant. Considering the role played by this applicant and the fact that the nature of injuries is not

mentioned in the medical report, case is made out to release the applicant on bail.

9. The Criminal application is allowed.

(i) Applicant - Madhav Namdeo Tade be released on bail in Crime No.208/2025 for the offence punishable under Sections 109, 132, 351(2), 352, 3(5), 121(1) and 121(2) of the Bhartiya Nyaya Sanhita, on her furnishing PR. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

(ii) The applicant shall not in any way tamper with the prosecution evidence.

(iii) The applicant shall not pressurize or threaten the prosecution witnesses.

(iv) The applicant shall co-operate the learned trial Judge in the conduct of the trial.

(MRS.VRUSHALI V.JOSHI, J.)