



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

CRIMINAL APPLICATION (ABA) NO.242 OF 2025

Vithoba Baban Gawai and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station Patur,
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. U. J. Deshpande, Counsel for the applicants.

Mr. N. B. Jawade, APP for non-applicant / State.

Mr. M. R. Deshpande, Counsel for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 29/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.74/2025 registered with Police Station, Patur, District Akola for the offence punishable under Sections 324(5), 351(2), 352, 326(g), 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicants, who submitted that on the basis of report lodged by Babarao Sukhdeo Gawai alleging that the applicants have set the agricultural field on fire, due to which 50 lemon trees were burnt in the said incident and he caused loss. On the basis of the said report, police have registered the crime against the present applicants.

3. He submitted that as far as the allegations are concerned, which are false and baseless, only due to the previous enmity. As far as the custodial interrogation is concerned, which is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP and learned Counsel for the complainant strongly opposed for the same and submitted that the spot panchanama as well as the statement of one Agriculture Officer discloses the involvement of the present applicants as the applicants have sustained the loss in the said incident as 50 lemon trees were burnt.

5. On hearing both the sides and on perusal of the investigation papers it reveals that the statement of the Agriculture Officer though shows that there were lemon trees but 7/12 extract nowhere is having entry of cultivation or existence of the lemon trees in the said agricultural field. As far as the custodial interrogation is concerned, which is not required as nothing is to be recovered from the present applicants. In view of that, the applicants have made out case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.74/2025 registered with Police Station,

Patur, District Akola for the offence punishable under Sections 324(5), 351(2), 352, 326(g), 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant **(1) Vithoba Baban Gawai, No.(2) Amol Vithoba Gawai, No.(3) Ganesh Baban Gawai and No.(4) Amar Vithoba Gawai** shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall not indulge themselves in similar type of activities and reporting a single incident, would lead to cancellation of bail.

The application is disposed.

(URMILA JOSHI-PHALKE, J.)