



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

CRIMINAL APPLICATION (ABA) NO. 302 OF 2025

Sunil s/o Beniram Bhalavi s/o alias Bhalla Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Nazim Qureshi, counsel for applicant.

Mr. Anant Ghogre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/05/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 107/2025 registered at Police Station Rana Pratap Nagar, Nagpur for the offence punishable under Sections 109, 118(2), 115(2), 352, 351(3), 3(5) of the Bhartiya Nyay Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that as per the allegation levelled against the present applicant on the basis of a report lodged by Nitin Satprakashsingh Thakur on 17/03/2025, when he was proceeding towards Wadi, at that time, the present applicant and the other co-accused were sitting at Nelco Cricket Ground. At the relevant time, there was a hot exchange of words between them, and during that altercation, the co-accused assaulted him by means of an

iron pipe on his head, whereas the present applicant assaulted him by means of bricks, fists, and kick blows. On the basis of said report, police have registered the crime. It further reveals from the recitals of the FIR that, due to the assault, his nasal bone was fractured. He submitted that as far as the assault on Nose is concerned, it is against the other co-accused. The bricks are already recovered, as far as the custodial interrogation of the present applicant is concerned, which is not required.

3. The learned APP strongly opposed for the same on the ground that in furtherance of the common intention, the informant was assaulted by the present applicant and the other co-accused. In view of that, the prayer for grant of ad-interim protection deserves to be rejected.

4. On hearing both sides and on perusal of the recitals of the FIR, it reveals that allegation against the present applicant that he has assaulted by means of fists and slaps. Thus, considering the allegations and the fact that bricks are already seized from the spot of incident, as far as the custodial interrogation is concerned, which is not required. The injuries are also mentioned in the FIR, which shows that the informant has sustained the fracture injury i.e. his nasal bone is fractured, which is attributed to the other co-accused. Considering all these facts, the applicant has made out a case for grant of

ad-interim protection. Accordingly, I proceed to pass the following order.

Order

- a] In the event of arrest, in connection with Crime No. 107/2025 registered at Police Station Rana Pratap Nagar, Nagpur for the offence punishable under Sections 109, 118(2), 115(2), 352, 351(3), 3(5) of the Bhartiya Nyay Sanhita, 2023, the applicant ***Sunil s/o Beniram Bhalavi s/o alias Bhalla*** shall be released on ad-interim anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- b] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall not indulge in similar types of the activities.
- e] A single incident is reported would lead to the cancellation of bail.

- f] Learned Additional Public Prosecutor waives service of notice on behalf of non-applicant/State and seeks time to file reply.
5. Stand over after **Summer Vacation-2025**.

[URMILA JOSHI-PHALKE, J.]