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927.aba.313.2025

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

CRIMINAL APPLICATION (ABA) NO.313 OF 2025

Praful s/o Shankarrao Madavi and another
Vs.
State of Maharashtra, through Police Station Officer, Hinganghat,
District Wardha

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

Court's or Judge's orders

Mr. A. M. Jaltare, Counsel for the applicants.
Mr. V. A. Thakare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/05/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.1696/2024 registered with Police Station Hinganghat, District Wardha for the offence punishable under Sections 115(2), 118(2), 296, 3(5), 342(2), 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 the cross-complaints are filed regarding the said incident. The alleged incident has taken place due to the sudden turning of the motorcycle near the signal, and thereafter there was a hot exchange of words between both the parties and both the party members have assaulted each other. As far as the present applicants are concerned, they have assaulted the informant by

means of fist and kick blows. He submitted that considering the allegation levelled against the present applicants, their custodial interrogation is not required. In view of that, they be protected by granting ad-interim anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that for a trifle reason, both parties have indulged in the criminal activity i.e. assault on each other and also caused the loss to the other vehicles which were parked there in front of the door. Thus, considering the role of the present applicants, the prayer for grant of ad-interim protection deserves to be rejected.

4. On hearing both the sides and on perusal of the recitals of the FIR it reveals that the alleged incident has taken place on trifle reason. One Faijan Khan was riding a two-wheeler vehicle and he has suddenly turned the vehicle and on that count, there were abuses to each other and during that abuses, the assault was also made by both party members. It is also taken note that the applicant No.1 has taken a turn at the wrong side, and therefore, the alleged incident has taken place. It is to be taken note that when both parties were indulged in the incident of assaulting each other, they have also caused the loss to the other vehicles. Considering this aspect, the custodial interrogation of the present applicant is not required, but some conditions

requires to be imposed on the present applicants. In view of that, I proceed to pass following order:

ORDER

(i) In the event of arrest in connection with Crime No.1696/2024 registered with Police Station Hinganghat, District Wardha for the offence punishable under Sections 115(2), 118(2), 296, 3(5), 342(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant **No.(1) Praful s/o Shankarrao Madavi, No.(2) Rahul s/o Sureshrao Vaidya** shall be released on ad-interim anticipatory bail on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

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

(iii) The applicants shall deposit the amount of Rs.20,000/- i.e. Rs.10,000/- each by both the applicants within **one week**, before the Court of District Judge - 1 and Additional Sessions Judge, Hinganghat.

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

5. Learned APP waives notice for the State and seeks time to file reply.

6. Stand over after vacation.

(URMILA JOSHI-PHALKE, J.)