



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

CRIMINAL APPLICATION (ABA) NO. 395 OF 2025

(Ashutosh Gopal More & Ors.

Vs.

State of Maharashtra, Thr. PSO. Hiwarkhed, Dist. Buldhana)

WITH

CRIMINAL APPLICATION (ABA) NO. 362 OF 2025

(Rajesh Sarangdhar Bharsakle & Ors.

Vs.

State of Maharashtra, Thr. PSO. Hiwarkhed, Dist. Buldhana)

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. M.V. Rai, Advocate for the Applicants in ABA No.395/2025.
 Mr. A.M. Tirukh, Advocate for the Applicants in ABA No.362/2025.
 Ms. Trupti Udeshi, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 25th JUNE, 2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.82/2025 registered with Police Station Hiwarkhed, District Buldhana for the offences punishable under Sections 109, 118(1), 132, 121(1), 223, 189(2), 191(2), 191(3), 190, 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 and under Section 135 of the Maharashtra Police Act, 1951, the Applicants approached to this Court for grant of anticipatory bail.

2. Heard learned Counsel for the Applicants, who submitted that the offence came to be registered on

15.04.2025 on the basis of report lodged by one Vitthal Chavhan who happens to be the Police Head Constable. It is alleged that, the dispute arose between the two communities of Village Hiwarkhed and the accused persons mentioned in the report belongs to both the communities. They gathered in rival groups in front of Gram Panchayat Office, Hiwarkhed and pelted stones towards each other, in which several members have sustained injuries. On the basis of the said report Police have registered the crime against the present Applicants. He also submitted that, as far as the present Applicants are concerned, no specific role is attributed against them and they have already cooperated with the investigating agency. As far as their custodial interrogation is concerned, which is not required and in a communal riot the names of all the villagers are shown. Thus, considering the same, the Applicants be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said Applications and submitted that, the Applicants have caused the damaged to the public property and some persons have also received the injuries due to the act of the present Applicants, and therefore, the Applications deserve to be rejected.

4. On hearing both the sides and on perusal of the investigation papers it reveals that, in a scuffle of two communities several persons pelted stones and all the villagers are made an accused in the said incident. As far as the present Applicants are concerned, no specific role is attributed against them. They have already cooperated with

the investigating agency. In view of that, the prayer for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- i. The Applications are **allowed**.
 - ii. The *ad interim* protection granted to the present Applicants by orders dated 21.05.2025 and 30.05.2025, are hereby confirmed on the condition that, they shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. and 01.00 p.m. till filing of the charge-sheet and shall cooperate with the investigating agency.
 - iii. The Applicants 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.
5. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)