



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

CIVIL APPLICATION NO. OF 2025
IN
CRIMINAL APPLICATION (ABA) NO. 372 OF 2025

(Nilesh Bhimrao Rathod & Ors.

Vs.

State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. R.B. Dhore, Advocate for the Applicants.
Mr. N.R. Rode, APP for the Non-applicant/State.
Ms. Sapna Jadhav, Advocate for the Complainant.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th JUNE, 2025

1. By this Application, the learned Counsel for the Complainant seeking permission to engage the Counsel to assist the prosecution. In view of the reasons mentioned in the Application, permission is granted.

2. Application is disposed of.

CRIMINAL APPLICATION (ABA) NO. 372 OF 2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.203/2024 registered with Police Station Sindkhedraja, District Buldhana for the offences punishable under Sections 117(3), 117(2), 118(1), 352, 351(3), 189(2), 191(2) r/w 190 of the Bharatiya Nyaya

Sanhita (BNS), 2023, the Applicants approached to this Court for grant of anticipatory bail.

2. As per the allegations in the FIR, on 03.12.2024 the four persons have assaulted who are named in the FIR. Thereafter supplementary statement of Informant was recorded on 07.02.2025, wherein he has alleged that he was assaulted by other person also who were accompanied with the said four persons. Thereafter the supplementary statement was recorded and statements of the some of the eye witnesses were also recorded which is also after one month of the incident. The present Applicants came to be arraigned as an accused after the statement of the informant and the other eye witnesses are recorded on 28.03.2025.

3. Heard learned Counsel for the Applicants, who submitted that in the recitals of the FIR even it is not stated that these four persons were accompanied by other persons. The incriminating weapons are also recovered from these four persons. As far as the implication of the present Applicants are concerned, which is after one month that is on the basis of the belated statements of the eye witnesses, the recitals of the FIR itself does not disclosed the presence of the other persons and the spot of incident. It is a matter of investigation that how the Applicants are arraigned as an accused subsequently i.e. after one month. He submitted that, the Applicants have already attended the Police Station and cooperated with the investigating agency, as far as their custodial interrogation, is concerned which is not required. In view of that, interim protection granted to them deserves to be confirmed.

4. Learned APP and learned Counsel for the Complainant strongly opposed for the same on the ground that, during investigation the involvement of the present Applicants were revealed, the statement of the Complainant was recorded subsequently, wherein he has assigned the specific role to the present Applicants. In view of that, their custodial interrogation is required.

5. On hearing both the sides and on perusal of the investigation papers it reveals that, admittedly, in the recitals of the FIR there is no mention that besides the four persons any other persons were present at the spot of incident. Thereafter after one month the presence of the other persons appears to have been shown through the statements of eye witnesses. No reason came forward why the statements of the eye witnesses is recorded after one month. Considering the manner in which the implication of the present Applicants reveal from the investigation papers. The Applicants are already protected ad interim anticipatory bail. They have already cooperated with the investigating agency and their custodial interrogation is not required as alleged weapons are already recovered from the four accused who are immediately arrested. In view of that, the interim protection granted to the present Applicants deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- i. The Application is **allowed**.

- ii. The *ad interim* protection granted to the Applicants by order dated 23.05.2025, is hereby confirmed on the condition that, they shall attend the concerned Police Station once in a week i.e. on every Saturday 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.
 - iv. The Applicants shall not enter into the vicinity of Akola Dev Tanda till the culmination of trial.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)