



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

CRIMINAL APPLICATION (ABA) NO. 782 OF 2025

(Santosh Baban Dolare Vs. State, thr PSO, PS Patur, Dist. Akola)
AND

CRIMINAL APPLICATION (ABA) NO. 783 OF 2025

(Vinod @ Sonya Baban Dolare AND ANR Vs. State, thr PSO, PS Patur, Dist. Akola)

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

Court's or Judge's orders.

Mr. V.R. Deshpande, Advocate for applicants
Mr. N.R. Rode, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : 22.01.2026.

Heard.

2. Both the criminal applications are arising out of the same Crime number i.e. Crime No.236/2025, registered with Police Station Patur, Tah. Patur, Dist Akola, for the offences punishable under Sections 74, 75(1), 75(2), 352, 115(2) 351(3), 324(5) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and hence, they are being disposed of by this common order.

3. Issue notice to the non applicant, returnable on 5.2.2026.

4. Learned APP waives notice on behalf of non-applicant/State.

5. The applicants are arrayed as an accused in the FIR lodged by one Sangita Rajiv Waghmare alleging that there was a dispute between the complainant and the applicants in respect of the land which the complainant claimed was used by them since the time of her forefathers. It is alleged that on 22.7.2025, the applicants started digging pits for construction work. When the

complainant and her brother-in-law objected for the same, the applicants started quarreling with the complainant and assaulted her brother-in-law by fist blows. When the complainant tried to intervene, it is alleged that the applicants touched her breast and abused her in filthy language. In the quarrel, one mangalsutrra and chain of the complainant and the wife of her brother-in-law were snatched and consequently they broke. On the complaint, the aforesaid offences came to be registered against the applicants.

6. The contention of learned counsel for the applicants is that there is a dispute between the applicants and the informant regarding the land in question. It is further contended that the civil suit which is filed by complainant's family members is pending. The application for temporary injunction filed by the complainant in that suit came to be rejected. According to him, just to invoke stringent sections, false complaint of outraging the modesty of the complainant came to be filed. According to him no custodial interrogation is necessary.

7. Learned APP opposes the application on the ground that there are specific allegations against the applicants, particularly, the applicant in ABA No. 782/2025 namely Santosh Baban Dolare. According to him, custodial interrogation of the applicants is required and therefore, he sought rejection of the application.

8. Perusal of the case diary reveals that the incident of assault arose out of a land dispute when the applicants started digging the piece of land to which the complainant and her brother-in-law obstructed. It is alleged that at that time,

applicant Santosh touched the breast of the complainant and abused her in filthy language.

9. Considering the genesis of the incident that on 22.7.2025 a scuffle occurred in which the complainant and her brother in law were assaulted, the possibility of unintentionally touching the breast of the complainant cannot be ruled. At this stage, nothing is required to be seized from the present applicants; rather, the record shows that the civil suit in respect of the disputed land is also pending before the Civil Court, which demonstrate that the applicant and the complainant are not on good terms.

10. Considering the nature of allegations and the nature of incidence in which the incident of outraging of modesty of the victim is claimed, coupled with the fact that nothing is required to be seized from any of the applicants, a case is made out for anticipatory bail. Hence, following order is passed:

- i) Pending the application, in the event of arrest, the applicants be released on furnishing a P.R. bond of Rs. 25,000/- each with one solvent surety each in the like amount, each.
- ii) The applicants shall attend the concerned Police Station on 28th and 30th January, between 10.00 to 12.00 hrs.
- iii) The applicants shall not tamper with the prosecution evidence and shall cooperate in the investigation.

JUDGE

Belkhede