



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

CRIMINAL APPLICATION (ABA) NO. 942 OF 2025

Prashant S/o. Ramdas Bhusari and another

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

Shri T. U. Tathod, Advocate for applicant.
Shri S. B. Bissa, APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 16.01.2026

Heard.

2. The applicants seek anticipatory bail in connection with Crime No. 751/2025 for the offences punishable under Sections 115(2), 118(1), 118(2), 3(5), 351(2) and 352 of the Bhartiya Nyaya Sanhita, 2023 registered with Police Station Warud, District Amravati Rural.

3. Heard the learned counsel for the applicants and the learned APP for the State.

4. The learned counsel for the applicants submits that the dispute is in respect of the right of way. According to him, a small quarrel occurred and no custodial interrogation of the applicants is required. According to him, the applicants are ready to cooperate in the investigation and if protected, they will appear

before the Investigating Officer. The victim has already been discharged from the Hospital and there are no criminal antecedents of the applicants.

5. The learned APP objected the application on the ground that the applicants assaulted their cousin brother by means of stick whereby he sustained a fracture of the leg. The stick used in the crime is to be recovered from the applicants and therefore, their custodial interrogation is necessary. Hence, he seeks rejection of the application.

6. Having heard the learned counsels for the parties and having gone through the case-diary, it appears that there is a dispute between the applicants and the complainant over the right of way. On 19.11.2025, at about 08:30 am when the applicants asked the complainant and his father to remove the bushes from the boundary of the agricultural field which was used as a way by the applicants, the father of the complainant denied and therefore, the applicants assaulted him by means of stick, whereby he sustained a fracture on his right leg.

7. It appears that the father of the complainant has already been discharged from the Hospital. The dispute pertains to right of way amongst family members. The applicants do not have any criminal antecedents. The weapon used is a stick. Considering these aspects

and the nature of injury which is not a fatal one; in my view, a case is made out for grant of anticipatory bail.

8. Sofaras the anxiety of the prosecution regarding recovery of the stick used in the crime is concerned, the applicants can be put on stringent conditions. Hence, I proceed to pass the following order:-

- i) The application is allowed.
- ii) In the event of arrest, applicant no. 1- Prashant S/o. Ramdas Bhusari and applicant no. 2- Nilesh S/o. Ramdas Bhusari be released on bail on executing a PR bond of Rs.25,000/- each with one solvent surety each in the like amount in connection with Crime No. 751/2025 for the offences punishable under Sections 115(2), 118(1), 118(2), 3(5), 351(2) and 352 of the Bhartiya Nyaya Sanhita, 2023 registered with Police Station Warud, District Amravati Rural.
- iii) The applicants shall attend the concerned Police Station on 22nd and 29th of January, 2026 between 10:00 am to 12 noon and shall cooperate in the investigation. The period may be considered as custody for the purposes of Section 23 of the Bharatiya Sakshya Adhiniyam, 2023.

(M. W. CHANDWANI, J.)