



IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

MISC.CRI.BAIL APPLN No. 37/2026.

(CNR NO.MHGO010001962026)

UTTAMCHAND KHANDEKAR -VS- STATE, PSO, GONDIA CITY

ORDER BELOW EXH. 04.

(Passed on this 28th day of January, 2026)

Seen application.

2. Apprehending arrest at the hands of Police Station, Gondia City in Crime No. 02/2026 registered for alleged offence punishable under Sec. 318(3), 318(4), 3(5) of BNS, 2023, the applicant/accused has filed this application for grant of anticipatory bail under Sec. 482 of BNS, 2023.

3. By this application, applicant has also prayed for grant of ad-interim anticipatory bail.

4. Initially offence was registered under Sec. 318(3) and 3(5) of BNS, 2023. It is to be noted that offence under Sec. 318(3) is non-cognizable and bailable. However, it is to be noted that applicant was arrested without warrant on 02/01/2026 and 7 days PCR was asked for, though it was claimed that Sec. 318(3) of BNS, 2023 is allegedly attracted. As such, learned Chief Judicial Magistrate, Gondia by passing

reasoned order has therefore observed that the arrest of present applicant was illegal and he was released forthwith on bail and even I.O. is called upon to give explanation.

5. Thereafter, police has added Sec. 318(4) of BNS, 2023 in the instant case. It is also argued that on the basis of the same, police have approached learned CJM, Gondia seeking permission to re-arrest the applicant under said Sec. 318(4) of BNS, 2023 by following procedure. It is contended that learned CJM, Gondia has permitted police to re-arrest applicant under Sec. 318(4) of BNS, 2023. Hence, this application.

6. Applicant apprehends arrest in the instant case. Further, applicant has submitted that already RCS No. 326/2025 is filed before the court of 3rd Jt. Civil Judge Junior Division, Gondia and that the said suit is in respect of subject matter of the F.I.R. in question. As such, it appears that prima facie dispute of Civil nature is coloured as criminal complaint.

7. As such, at this stage, when the prosecution is yet to be heard in the instant case, it appears that prima facie applicant has made out case for grant of interim protection. Hence, till the time, I.O. and APP files reply in the instant case, interim protection can be granted to the applicant. In the result, I proceed to pass the following order.

ORDER

Application [Exh.04] is allowed.

2. Ad-interim anticipatory bail is granted till decision of main application.
3. In the event of arrest, applicant **Uttamchand Mohan Khandekar** be released in Crime No. 02/2026 registered with Police Station, Gondia City on his executing PR bond of Rs.50,000/- and furnish one surety in like amount on the following conditions;
 - (i) Applicant shall not threaten or influence the witnesses.
 - (ii) Applicant shall attend the concern Police Station as and when directed by the I.O. in writing and co-operate in the investigation till filing of the charge-sheet.
4. Issue notice to the respondent.
5. Inform concerned police station accordingly.
6. Hamdast allowed.

Gondia.
Dated: 28.01.2025.

(A. S. Pratinidhi)
District Judge-1 & ASJ,
Gondia.