

1 Criminal Bail Appln. No.298/2025
Kharghar C.R.No.159/2025
Bheemaram Choudhary and 4
V/s. The State
Exhibit No.04

MHRG170007542025



ORDER BELOW EXH. 04
IN CRIMINAL BAIL APPLN.NO.298/2025
KHARGHAR C.R.NO.159/2025
BHEEMARAM BADARAM CHOUDHARY AND OTHERS Vs.
THE STATE OF MAHARASHTRA.
(PASSED ON 21st DAY OF APRIL, 2025)

1. The applicant No.1/accused – Bheemaram Badaram Choudhary, applicant No.2/accused – Tolaram Venaji Choudhary, applicant No.3/accused – Nanjiram Himmataji Choudhary, applicant No.4/accused – Firoz Rehman Shaikh and applicant No.5/accused – Mangilal Valaji Choudhary moved this application for interim protection to extend them on bail in the event of arrest.
2. Pursuant to the observation of Hon'ble Bombay High Court, Bench at Goa in the case of **Chougule and Company Pvt.Ltd. V/s. The Public Prosecutor, State of Goa** vide Criminal Writ Petition No.618 of 2024 dated 02.08.2024, the hearing on interim bail application is conducted.
3. Heard learned advocate for applicants/accused. Perused FIR and documents.

4. The offence is under Section 314, 316(1) (2) (5), 318, 322, 323, 329(1) (2), 351 (2) read with 61 of Bharatiya Nyaya Sanhita, 2023. On perusal of the recitals of FIR, it appears that the crime is registered in view of directions of learned magistrate vide Section 175(3) of the Bharatiya Nyaya Suraksha Sanhita, 2023 (Old 156(3) of Cr.P.C.).

5. Earlier the informant filed complaint before police station Shil, Thane and police has not taken cognizance since it was civil nature. Likewise, Kharghar Police Station has not taken cognizance. Further the property as well as the transaction took place beyond the jurisdiction of learned magistrate. The civil suit is pending between the parties at Thane Court. According to applicant no offence is made out as stated by the informant.

6. On the backdrop of this submission, looking to the nature of dispute and at the same time audience to informant is mandatory also opportunity ought to be given to prosecution to file reply, then in that eventuality meantime, it is justified to grant interim protection to applicants in the event of their arrest since they have apprehension of their arrest. With this, I pass following order;

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ORDER

1.	The application for interim protection in the event of arrest on behalf of applicant No.1/accused – Bheemaram Badaram Choudhary, applicant No.2/accused – Tolaram Venaji Choudhary, applicant No.3/accused – Nanjiram Himmataji Choudhary, applicant No.4/accused – Firoz Rehman Shaikh and applicant No.5/accused – Mangilal Valaji Choudhary is allowed till next date.
2.	The applicants/accused be released on bail on furnishing P.R. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) each with one surety in the like amount.
3.	The applicants/accused shall attend the concerned police station on every forth Sunday of the month in between 11.00 a.m to 2.00 p.m till disposal of the main application.
4.	The applicants/accused shall assist to Investigating Officer whenever called under written intimation.
5.	Issue notice to respondent and informant returnable on 05.05.2025.

6.	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

Place : Panvel.

**(K.G. Paldewar)
Additional Sessions Judge,
Panvel**

Date : 21.04.2025.

Arguments heard on	21 st Day of April, 2025.
Judgment/order delivered on	21 st Day of April, 2025.
Dictated on	21 st Day of April, 2025.
Transcribed on	21 st Day of April, 2025.
Checked and signed on	21 st Day of April, 2025.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : K. N. Lokhande

Name of the Court : Additional Sessions Court,
Panvel

Date of Judgment/Order : 21.04.2025.

Judgment/Order signed on : 21.04.2025.

Presiding Officer : K.G. Paldewar

Judgment/Order uploaded on : 21.04.2025.