

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

Criminal Application (ABA) No.430 of 2019

Satyashil s/o Savatram Sirsat and another

Vs.

State of Maharashtra through P.S. Shegaon City, Tq. Khamgaon, Distt.
Buldhana.

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

Court's or Judge's orders

Mr.S.A.Mohta, Advocate for the applicants.
Mr. A.D.Sonak, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 7, 2019

The applicants herein have approached this Court apprehending arrest in connection with FIR dated 12.6.2019. A perusal of the FIR shows that the applicants are not named as accused persons. The FIR names two specific accused persons and two unknown persons as responsible for the incident in question. The incident in the present case pertains to the driver of a State Transport Bus being assaulted after the said bus allegedly gave dash to a motorcycle on which the named accused persons were riding.

2. This Court while issuing notice on 4.7.2019 granted ad-interim protection in favour of the applicants for the reason that they were not even named in the FIR. The relevant observations of the said

order read as follows:

“The applicants herein have approached this Court apprehending their arrest in connection with FIR dated 12/06/2019, registered for alleged offences under Sections 279, 353, 337, 427, 332 R/w 34 of the Indian Penal Code.

As per the FIR two named accused persons along with two unknown persons had assaulted a bus driver of a State Transport bus after there had been an accident of a motorcycle on which the two named accused persons were riding with State Transport bus. It is stated that the two named accused persons had assaulted the bus driver, resulting in registration of said offences.

It is pointed out by the learned counsel for the applicants that they are not even named in the FIR and that there is no material to connect them with the said incident. It is also pointed out by the learned counsel for the applicants that the two main accused persons, who are named in the FIR have been already released on bail.

Considering the aforesaid facts pointed out by the learned counsel for the applicants, a case for grant of ad-interim protection is made out. Hence, in the event, the applicants are arrested in Crime No. 271 of 2019, registered in Police Station Shegaon Dist.

Buldhana, they shall be released on PR bond of Rs.15,000/- each and surety in like amount. The applicants shall co-operate with the investigation and make themselves available before the Investigating Officer as and when required”.

3. In response to the notice issued by this Court, reply has been filed on behalf of the non-applicant/State, wherein it is claimed that the custody of the applicant is required because recovery of motorcycle is necessary and secondly, because the applicants instead of presenting the interim order passed by this Court by remaining personally present in the police station, sent the interim order with third person.

4. Insofar as the recovery of motorcycle is concerned, the material presently on record does not indicate that there is any allegation about the motor cycle on which the applicants were allegedly riding as having dashed the State Transport bus. It has come on record that the motorcycle with which there was an accident and upon which the named accused persons were riding has already been recovered. As regards the applicants sending copy of interim order to the police station at the hands of a third person, specific direction can be given by this Court to the applicants to remain present to the concerned police station on a particular

date.

5. It is also pointed out by the learned counsel for the applicants that the named accused persons have already been granted regular bail by Sessions Court by order dated 24.6.2019.

6. In view of the aforesaid material, the present application deserves to be allowed. Accordingly, the application is allowed. The applicants are granted anticipatory bail in terms of ad-interim protection granted by this Court by order dated 4.7.2019. The applicants are directed to continue to cooperate with the investigation and they shall attend the Police Station, Shegaon, District Buldhana on 13.8.2018 and thereafter as and when required for further investigation. The applicants shall not tamper with the evidence or influence the witnesses of the prosecution.

JUDGE