

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

CRIMINAL APPLICATION (ABA) NO.390 OF 2022

Jitesh Vijay Chavhan

Versus

State of Maharashtra, through P.S.O., P.S. Darwaha, Tq. Darwaha, Dist. Yavatmal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.J. Mirza, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/06/2022

1. The applicant is seeking pre-arrest bail in Crime No.445 of 2022, dated 17.05.2022, registered with Police Station Darwaha, District: Yavatmal, for the offences punishable under Sections 353, 504 and 506 read with Section 34 of the Indian Penal Code.

2. Shri Mirza, learned counsel for the applicant submits that in this case, even if the allegations made in the First Information Report (FIR) are taken on its face value, Section 353 does not attract.

3. He further submits that as the friend of the applicant met with an accident and there was no one to attend the injured, some exchange of words had taken place. However, no incident took place as alleged.

4. He further submits that the applicant who is a student, his custodial interrogation is not necessary in this case. Accordingly, he prays for grant of bail.

5. On the other hand, Shri Thakare, learned APP strongly opposes the present application.

6. I have perused the Case Diary and also the contents of the First Information Report (FIR).

7. In the Case Diary, there is a panchnama of CCTV footage, which supports the case of the prosecution. Moreover, there are statements of witnesses which corroborate the story of the prosecution. Thus, in view of the fact that there is *prima facie* incriminating material available on record and considering the seriousness of the matter, I am not inclined to grant bail.

8. Though, the applicant attended the concerned Police Station during the period when applicant was on *ad-interim* anticipatory bail, I am of the opinion that the custodial interrogation, is necessary. In the circumstances, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]