

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

Criminal Application (ABA) No.399/2022

Ganesh Bhagat and others V State of Maharashtra thr PSO PS Patur, Akola

Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.K. Wankhade, Advocate for applicants.

Mrs. M.A. Barabde, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 23-06-2022

The applicants have approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0170/2022 dated 15-05-2022 registered with Police Station Patur, District Akola for the offences punishable under Sections 143, 147, 148, 149, 324, 341, 294, 427, 506 of the Indian Penal Code.

2. Learned Counsel for the applicants submitted that the applicants have been falsely implicated in the alleged offence, though they were not on the spot. It is submitted that there was counter First Information Report (FIR) and as such he prays for grant of pre-arrest bail.

3. On the other hand, Mrs.Barabde, learned APP strongly

opposed the application and submits that the applicants have made unlawful assembly and assaulted the complainant and other persons and also damaged the vehicles. She submits that the offence is also under Section 326 of the IPC and, thus, looking to the seriousness of the offence and severity of the punishment, she prays for rejection of the application.

4. I have perused the case diary, First Information Report (FIR) and the reply of the State.

5. Considering the allegations made in the FIR, it can be seen that the offence is serious. The offence is registered under Section 326 of the IPC. Furthermore, there is prima facie sufficient incriminating material available on record to show the involvement of the applicant in the alleged offence. Hence, custodial interrogation is necessary. In the circumstances, I am of the opinion that it is not a fit case where pre-arrest bail should be granted to the applicants.

6. In that view of the matter, I pass the following order:-

ORDER

Application is rejected.

(Anil S. Kilor, J.)