

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

CRIMINAL APPLICATION (ABA) NO.412 OF 2022

(KISHOR HIRALAL BORDE....VS.. STATE OF MAH. THR. PSO PS SHIVAJI NAGAR, KHAMGAON,
BULDANA.)

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

Court's or Judge's orders

Shri R.M.Daga, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JULY 08, 2022.

1. Heard.
2. This is an application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in connection with Crime No.08 of 2022, registered with Police Station, Shivaji Nagar, Khamgaon for the offences punishable under Sections 307, 341, 143, 147, 148, 149, 506, 120(B), 363, 511, 323 and 212 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act.
3. Shri Daga, learned counsel for the applicant submits that in the F.I.R. lodged on 05/01/2021 the name of the applicant does not feature. He further argues that out of 17 accused persons, including the applicant, 10 have been released on pre-arrest bail, whereas three were granted regular bail. He further points out that the co-accused Ganesh Jadhav, who had given blow of wooden rafter on the head of the injured, has been granted pre-arrest bail. It is submitted that the allegations against the

applicant are that he had given kicks and fist blows. Thus, he submits that the co-accused against whom serious allegations are there, has been released on pre-arrest bail, accordingly, he claims parity.

4. He further submits that the charge-sheet has already been filed against the other accused persons who were arrested. In the circumstances, he submits that custody of the applicant is not necessary.

5. The learned A.P.P. opposed the application.

6. I have perused the case diary and the F.I.R.

7. It appears from the case diary that initially the name of the applicant was not featured in the F.I.R., however, subsequently on the basis of the statements of witnesses recorded after four days of the incident i.e. on 09/01/2022, the applicant was arraigned as accused.

8. Ten accused persons have already been released on pre-arrest bail whereas, three have been granted regular bail. The role of the co-accused -Ganesh Jadhav is more serious than the present applicant, who is released on bail. Moreover, as the charges-sheet has been filed against the arrested accused persons, I am of the opinion that the custodial interrogation of the applicant is not necessary. In that view of the matter, I pass the following order:

- i) The application is allowed.
- ii) The order dated 20/06/2022 granting *ad-interim* anticipatory bail is confirmed.
- iii) The applicant shall attend the concerned Police Station on 11th to 16th July 2022 between 10:00 a.m. and 12:00 noon and thereafter as and when his presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE

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