

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

CRIMINAL APPLICATION (ABA) NO. 462 OF 2022

Sharad Devidas Kadam Patil and another **Versus** State of Maharashtra, thr. PSO., P.S. Mahagaon Tah. Mahagaon, 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 P.A. Gode, Advocate for the applicants.

Shri T.A. Mirza, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 13/07/2022.

1. The applicant is seeking pre-arrest bail in Crime No.400 of 2022, registered with Police Station, Mahagaon, District Yavatmal, for the offences punishable under Sections 294, 324, 392, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

2. Shri P.A. Gode, learned counsel for the applicant submits that out of political rivalry, the applicants have been falsely implicated in the alleged offence. It is submitted that, custodial interrogation of the applicant is not necessary.

3. On the other hand, Shri T.A. Mirza, learned APP strongly opposes the present application and submits that the offence is serious and hence, prays for rejection of the bail.

4. I have perused the Case-diary, First Information Report and Reply filed by the State.

5. As far as the allegation about assault is concerned, the injury report show two scratches on right side of the neck. Thus, the injury report *prima facie* does not support the case of the prosecution and the version of the complainant *prima-facie* appears to be exaggerated, which further creates doubt about the offence under Sections 392 and 384. In the circumstances, I am of the opinion that custodial interrogation of the applicant is not necessary.

6. Moreover, from the record, it can be seen that there is a rivalry between the applicants and the complainant. In that view of the matter, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 29.06.2022, granting *ad interim* anticipatory bail, is confirmed with modification that the applicants shall attend the concerned Police Station on 18, 19, 20, 21, and 22nd of July-2022 between 10.00 a.m. to 12.00 noon and thereafter as and when their presence is required.

The criminal application is **disposed of**, accordingly.