

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

CRIMINAL APPLICATION (ABA) NO.476 OF 2022

Gulab S/o Namdeo Aade

Versus

State of Maharashtra, through P.S.O., P.S. Manora, Dist. Washim

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

Court's or Judge's Order

Shri S. Jagirdar, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 08/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.289 of 2022, dated 26.05.2022, registered with Police Station Manora, District: Washim, for the offences punishable under Sections 323, 353 and 504 read with Section 34 of the Indian Penal Code.

2. Shri Jagirdar, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. He submits that nothing has been found in the alleged search and no incident as alleged had taken place. He therefore, submits that custodial interrogation of the applicant is not necessary in this case.

3. On the other hand, Shri T.A. Mirza, learned APP opposes the present application.

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

5. In this case, the allegations are that the applicant assaulted the complainant/police constable on a full day between 15.05 to 15.20 hours. Whereas, the medical examination of the complainant was conducted at 18.30 hours i.e. 6.30 p.m. and the matter was reported to the Police Station at 22.08 hours. Accordingly, it was registered on 22.25 hours.

6. The complainant/victim is the police constable and in the said backdrop if the delay is considered in lodging of the report, it is significant. There is delay of about seven hours and no justification has been given by the complainant for such delay.

7. Thus, considering the fact that the complainant is a police constable who is also a victim, coupled with the delay in lodging the report, it creates doubt about the veracity of the allegations made in the complaint.

8. In the circumstances, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.

- b) It is directed that in the event of arrest of the applicant in Crime No.289 of 2022 registered with Police Station Manora, District: Washim, for the offences punishable under Sections 323, 353 and 504 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 11th, 12th and 13th July, 2022 between 10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]