

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

CRIMINAL APPLICATION (ABA) NO.481 OF 2022

Shri Harnidan Singh Bhatiya

Versus

State of Maharashtra, through P.S.O., P.S. Padoli, Tah. & Dist. Chandrapur

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

Court's or Judge's Order

Shri A.S. Mardikar, Advocate for the applicant.

Shri N.R. Rode, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 15/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.75 of 2022, dated 15.06.2022, registered with Police Station Padoli, District: Chandrapur, for the offence punishable under Section 394 of the Indian Penal Code.

2. Shri Mardikar, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence, whereas, no such incident ever took place as alleged in the offence.

3. He submits that vide order dated 01.07.2022 this Court while granting *ad-interim* anticipatory bail, directed the applicant to attend the concerned Police Station as and when his presence is required. Accordingly, he attended the concerned Police Station and as such, he

submits that further custody of the applicant is not necessary.

4. On the other hand, Shri N.R. Rode, learned APP opposes the present application and submits that the offence is serious and accordingly, he prays for rejection of the present application.

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

6. The statements of the witnesses recorded by the Investigation Officer during the investigation, *prima facie* does not support the case of the prosecution, particularly, attracting the offence under Section 394 of the Indian Penal Code. If the statements of the eye witnesses are concerned, in the light of the allegations made in the FIR, it creates doubt about the veracity of the allegations made in the FIR.

7. In the circumstances, I am of the opinion that custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

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

- b) Order passed by this Court on 01.07.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.
- c) The applicant shall not tamper with the prosecution witnesses.
- d) 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.]