

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

CRIMINAL APPLICATION (ABA) NO.552 OF 2022
{Prajawal S/o. Prabhakar Zadokar ..Vrs.. State of Maharashtra}

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

Court's or Judge's order

Shri H. R. Gadhia, Advocate for Applicant.
Shri S. A. Ashirgade, Addl. P. P. for Respondent/State.

CORAM : ANIL S. KILOR, J.

DATE : 18th AUGUST, 2022.

1. The applicant is seeking bail in Crime No.129 of 2022, dated 03.06.2022, registered with Police Station Jalamb, Tahsil Shegaon, District Buldhana, for the offence punishable under Section 326 of the Indian Penal Code, 1860.

2. The learned counsel for the applicant submits that the version stated in the First Information Report (FIR), even if it is taken on its face value, it can be seen that it is exaggerated one and improbable.

3. He further submits that at the time and the date of incident, the applicant was in hospital, as such he is claiming alibi in this case. It is thus submitted that as the applicant has been falsely implicated in the alleged offence, his custodial interrogation is not necessary.

4. In this case, as the applicant has annexed the documents of his hospitalization, the learned Additional Public Prosecutor was specifically asked to verify the same. The learned Additional Public Prosecutor on verifying

from the hospital, submits that he was in hospital on that date and time of the alleged incident.

5. Thus, considering the said fact and further the allegations in the FIR, which *prima facie* appears to be exaggerated one. As per the FIR, the applicant at the same time was holding a bottle, brick and knife in his hand and he assaulted by all the said three.

6. The applicant is handicap and certificate is filed alongwith this application.

7. The above referred circumstances create doubt about the veracity of the allegations in the FIR.

8. While granting *ad-interim* anticipatory bail, this Court had directed the applicant to attend the concerned police station as and when his presence is required. However, the Investigating Officer never called the applicant, which shows that the custodial interrogation of the applicant is not necessary.

9. Accordingly, I pass the following order :

ORDER

- i) The criminal application is **allowed**.
- ii) The order passed by this Court on 21.07.2022, granting *ad-interim* anticipatory bail, is confirmed.
- iii) It is made clear that all the observations made in this order are *prima facie* and the learned trial Court shall not get influenced by it.

The criminal application is disposed of accordingly.

(JUDGE)

TAMBE