

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

CRIMINAL APPLICATION (ABA) NO.564 OF 2022

Dharmendra S/o Rashtrapati Nagpure

Versus

State of Maharashtra, through P.S.O., P.S. Dawniwada, Dist. Gondia

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

Court's or Judge's Order

Shri V.S. Mishra, Advocate for the applicant.

Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 19/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.182 of 2022, dated 17.06.2022, registered with Police Station Dawniwada, District: Gondia, for the offences punishable under Sections 307, 353, 332, 333, 326, 341, 325, 324, 143, 147, 148 and 149 of the Indian Penal Code, Section 3 of the Prevention of Damage to Public Properties Act, and Section 135 of the Maharashtra Police Act.

2. Shri Mishra, learned counsel for the applicant submits that the applicant has wrongly been shown as accused in the First Information Report (FIR). Whereas, he was the person who helped the injured Police officer to take him to hospital and even rescued some of the Police staff. Thus, he submits that the applicant has been falsely implicated in the alleged offence.

3. It is submitted that the transcripts of phone call of the mother of the applicant and one Police constable Pooja Chauhan, is filed along with the application wherein, that lady police constable has categorically states that the applicant has saved her life and rescued from the uncontrolled mob. Accordingly, it is submitted that, the custodial interrogation of the applicant is not necessary and he may be released on pre-arrest bail.

4. On the other hand, Shri Ashirgade, learned APP strongly opposes the present application and submits that there are statements of eye witnesses, who have disclosed the name of the applicant. Accordingly, he prays for rejection of the present application.

5. I have perused the Case Diary and the FIR.

6. The photographs filed along with the application show that the applicant was taking the injured police officer on motorcycle to the hospital. Similarly, is a transcript of a phone call, a lady police constable categorically stated that the applicant rescued her. In this backdrop, the statements of eye witnesses which were recorded by the Investigating Officer (IO) after four days of the incident creates doubt about the veracity of the statements. Thus, in the above referred backdrop, 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.182 of 2022, registered with Police Station Dawniwada, District: Gondia, for the offences punishable under Sections 307, 353, 332, 333, 326, 341, 325, 324, 143, 147, 148 and 149 of the Indian Penal Code, Section 3 of the Prevention of Damage to Public Properties Act, and Section 135 of the Maharashtra Police Act, 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 02.09.2022 to 09.09.2022 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.

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

[ANIL S. KILOR, J.]