

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

CRIMINAL APPLICATION (ABA) NO.583 OF 2022

Anup S/o Vasantrao Sonar and others .Vs. State of Maharashtra, through P.S.O., P.S.
Achalpur, Dist. Amravati

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

Court's or Judge's Order

Shri Kushal Jain, Adv. a/w Shri V.S. Giramkar, Adv. for the applicant.
Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 30/08/2022

1. The applicants are seeking pre-arrest bail in Crime No.140 of 2022, dated 18.04.2022, registered with Police Station Achalpur, District: Amravati, for the offences punishable under Sections 143, 153, 153(a) of the Indian Penal Code, Section 135 of the Maharashtra Police Act read with Section 3 of Prevention of Defacement Public Property Act.

2. Shri Jain, learned counsel for the applicants submits that the applicants have been falsely implicated in the alleged offence, though they are no way connected with the alleged offence.

3. It is submitted that though this Court has directed the applicants to attend the concerned Police Station as and when the presence of the applicants is necessary, at no point of time, they were called by the Investigation Officer (IO). He, therefore, submits that thus

it is evident that custodial interrogation of the applicants is not necessary in this case. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that as the IO has collected sufficient evidence during the investigation, against the applicant this Court may not grant bail to the applicants.

5. I have perused the First Information Report (FIR) and the application.

6. The prosecution case is that, the applicants hosted saffron flag on 17.04.2022 and thereby, created communal tension.

7. On 03.08.2022, this Court granted *ad-interim* anticipatory bail to the applicants with a condition that they shall attend the concerned Police Station as and when their presence is required. However, none of the applicants was called by the IO till date, which shows that custodial interrogation of the applicants is not necessary in this case.

8. Furthermore, even after considering the allegations made in the FIR, I am of the opinion that attendance of the applicants to Police Station to co-operate

the IO in investigation is sufficient. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 03.08.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicants shall attend the concerned Police Station from 07th September, 2022 to 11th September, 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.

[ANIL S. KILOR, J.]