

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

CRIMINAL APPLICATION (ABA) NO.587 OF 2022

(HITESH AMBADAS RATHOD...VS.. STATE OF MAH. THR. PSO PS DARWHA, DIST. YAVATMAL)

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

Court's or Judge's orders

Shri R.J. Shinde, Advocate for Applicant.
Shri A.R. Chutke, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 22, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.445 of 2022, registered with Police Station, Darwha, District Yavatmal for the offences punishable under Sections 353, 504, 506 read with Section 34 of the Indian Penal Code (IPC).
3. The learned counsel for the applicant submits that he has been falsely implicated in the alleged offence. It is submitted that for the treatment of his friend, he went to the hospital and alleged incidence had never taken place. He further submits that while granting *ad-interim* anticipatory bail, this Court directed the applicant to attend the Police Station, accordingly he attended the Police Station and as such further custody of the applicant is not necessary in this case, as such he prays for grant of pre-arrest bail.

4. On the other hand, learned A.P.P. strongly opposed the application and he submits that there are ample intimidating material against the applicant. It is submitted that there is a CCTV footage which clearly show the role played by the applicant in the alleged offence. He submits that the applicant prevented the complainant, who is a nurse from doing her duty. Accordingly he prays for rejection of the present application.

5. I have perused the case diary and also the First Information Report(FIR).

6. In this case, this Court granted *ad-interim* anticipatory bail to the applicant vide order dated 4th August 2022 and accordingly he attended the Police Station and co-operate the Investigating Officer in investigation.

7. The FIR was lodged on 17.05.2022 and the investigation is almost completed so far. Thus, in the light of the maximum punishment and the allegations made in the FIR, I am of the opinion that if the applicant is directed to attend the Police Station and co-operate the Investigating Officer in investigation, the purpose would be served, accordingly I pass the following order :

- i) The application is allowed.
- ii) The order dated 4th August, 2022 granting *ad-interim* anticipatory bail to the applicant is hereby confirmed.
- iii) The applicant shall attend the concerned Police Station on 06.09.2022 to 09.09.2022 between 10.00 am to 12.00 noon and thereafter as and when his presence is required.
- iv) The applicant shall not tamper with the prosecution evidence and shall not influence the prosecution witnesses.
- v) The State is at liberty to apply for cancellation of bail in case of breach of any of the conditions.

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

JUDGE