

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

Criminal Application (ABA) No. 593 of 2022

Rangnath S/o Tukaram Sose

Versus

State of Maharashtra, through Police Station Officer, Police Station Lonar,
Tq. Lonar, Dist. Buldhana

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

Court's or Judge's Order

Shri A.J.Thakkar, Advocate for the applicant.

Shri V.A. Thakare, APP for the State / Non-applicant

Shri M.N.Ali, Advocate assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 24th August, 2022.

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. 0207 of 2022 registered with Police Station Lonar, Dist. Buldhana for the offence punishable under Sections 323, 324, 452, 504 and 506 of Indian Penal Code.

2. Shri Thakkar, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. It is submitted that looking at the allegations made in the First Information Report and the maximum punishment for the offence which alleged to have been committed by the applicant,

the custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that the injury report corroborates the case of the prosecution. He further submits that there is every possibility that the applicant may pressurize the prosecution witnesses, if he is granted pre-arrest bail. Accordingly, he prays for rejection of the present application.

4. Shri Ali, learned counsel who is assisting the prosecution on behalf of complainant reiterates the submission of the learned Additional Public Prosecutor and further submits that on 28th July, 2022 one more non-cognizable offence was registered at the behest of the complainant against the applicant. Thus, there is every possibility that if the applicant is granted pre-arrest bail, he may repeat the offence.

5. I have perused the case diary and the application.

6. Considering the nature of the allegations made in the First Information Report and the injury report which shows that there are simple injuries, I am

of the opinion that the custodial interrogation of the applicant is not necessary in this case.

7. Moreover, as far as apprehension expressed by the learned Additional Public Prosecutor and the learned counsel who is assisting the prosecution is that, if the applicant is released on pre-arrest bail, he may pressurize the prosecution witnesses or repeat the offence, the same can be addressed by imposing the certain stringent conditions. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. In the event of arrest of applicant in Crime No. 0207 of 2022 registered with Police Station Lonar, Dist. Buldhana for the offence punishable under Sections 323, 324, 452, 504 and 506 of Indian Penal Code, the applicant be released on bail on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;
- iii. The applicant shall not enter the territorial jurisdiction of village Sindhi, Tq. Lonar, Dist. Buldhana till filing of the chargesheet;
- iv. The applicant shall provide his residential address to the concern police station;

v. Liberty is granted to the State and the complainant to apply for cancellation of bail in case of breach of conditions or if the applicant repeats the offence.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.08.25
16:19:05 +0530