

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

CRIMINAL APPLICATION (ABA) NO.595 OF 2022

(YOGESH @ GOLU TRIMBAKRAO GAJBHIYE ..VS.. STATE OF MAH. THR. PSO PS
AWADHOOTWADI, YAVATMAL)

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

Court's or Judge's orders

Shri Imran Deshmukh, Advocate for Applicant.
Shri S.D. Sirpurkar, 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.543 of 2022, registered with Police Station, Awadhootwadi, Yavatmal for the offences punishable under Sections 307, 504 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 further submitted that the custodial interrogation of the applicant is not necessary in this case, accordingly he prays for grant of pre-arrest bail.
4. The learned A.P.P. strongly opposed the application and he prays for rejection of the same.

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

6. In this case, the offence is registered under Section 307 of the IPC. However, after perusing the injury report, it appears that the injury is of simple nature. Therefore, *prima facie*, it is doubtful whether Section 307 of the IPC will apply in this case.

7. In the circumstances, considering the character of evidence collected by the Investigating Officer, I am of the opinion that custodial interrogation of the applicant is not necessary, accordingly I pass the following order :

- i) The application is allowed.
- ii) It is directed that in the event of arrest of the applicant in connection with Crime No.543 of 2022, registered with Police Station, Awadhootwadi, Yavatmal for the offences punishable under Sections 307, 504 read with Section 34 of the IPC, the applicant shall be released on bail on furnishing P.R. bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.
- 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

Kirtak.