

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.721 OF 2022

Prabhudas Sheshrao Mohod and another Vs. The State of Maharashtra, through
Sirajgoan Police Officer, PS Sirajgoan (Gramin) Amravati

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

Court's or Judge's orders.

Smt. Smita V. Taksande, Advocate for applicant.
Shri S.D. Sirpurkar, APP for non-applicant.

CORAM : G.A. SANAP, J.
DATE : NOVEMBER, 11 2022.

The applicants who are accused Nos. 1 and 2 , have made this application for anticipatory bail inasmuch as they apprehend their arrest in Crime No.318/2022 registered at Police Station Sirajgoan (Gramin) Tq. Chandur Bazar District Amravati for the offences punishable under Section 307 read with Section 34 of the Indian Penal Code.

2. According to the applicants, the report lodged by the informant is false and frivolous. It is the outcome of the enmity between the informant's family and family of the accused persons. No incident as stated in the First Information Report occurred. The investigation is in progress. Considering the nature of the incident alleged to have occurred their arrest in this crime is not necessary. The investigation can be conducted without their arrest. They are ready to abide by all the conditions that may be imposed by

this Court.

3. The Investigation Officer has filed the reply and opposed the application. It is contended that the accused persons caught hold of the brother of the victim and tried to administer him poison. They intended to kill the brother of the victim. Fortunately he could free himself from the clutches of the accused and saved his life. The accused were absconding. The investigation is at preliminary stage. CA report is awaited. Custodial interrogation of the accused is necessary.

4. I have heard the learned Advocate for the applicants and learned APP for the State and perused the record.

5. It is to be noted that on the basis of *prima-facie* material placed on record vide order dated 12.10.2022 this Court was inclined to grant ad-interim protection from arrest to the applicants.

6. In order to satisfy myself about the present stage of the investigation, need and necessity of the arrest of the applicants in this crime, I have perused the case diary. Perusal of the case diary would indicate that for the purpose of investigation and purpose of recovery and seizure the arrest of the applicants would not be necessary. Further investigation can be carried out without arresting the applicants. The applicants have been directed to attend the police station as

per order dated 12.10.2022. There is no grievance about their non cooperation in any manner in the affidavit in reply. The material placed on record clearly indicates that there is enmity between informant is group and the group of accused. Without commenting upon the merits of the matter if one can see the nature of allegations, in the facts and circumstances of the case, in my view for the purpose of interrogation or investigation, the arrest of the applicants may not be necessary. The apprehension placed on record with regard to the possibility of tampering with the prosecution evidence can be taken care of by imposing the appropriate conditions.

7. In the facts and situation, I am of the view that this is a fit case to grant protection from arrest to the applicants. In the facts and circumstances, the application is allowed. Ad-interim anticipatory bail granted vide order dated 12.10.2022 is confirmed on same terms and conditions.

8. The Criminal application stands disposed of.

JUDGE

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Signed By:MANISHA ALOK
SHEWALE

Signing Date:11.11.2022 18:57