

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.505 OF 2023

**MAHADEV KHANDU PADALE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. G. J. Pahilwan, Advocate for the applicant
Ms. R. P. Gaur, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 06th JUNE, 2023**

P.C. :-

1. The applicant is apprehending arrest in connection with offences punishable under Sections 354, 354-A, 323, 294, 506 read with Section 34 of the Indian Penal Code pursuance to the report lodged by the informant bearing C.R. No. 76/2023 registered with Gandhi Chowk Police Station, Dist. Latur.

2. Learned counsel for the applicant states that there is previous dispute between the parties and the applicant has lodged report against the mother and brother of informant on 05/02/2023 and also another non cognizable case was registered on 29/01/2023. It is submitted that the present FIR is counter blast to the said report lodged by the applicant. He further contends that the custodial interrogation of the applicant is not necessary and appropriate directions for the

applicant to appear before Investigating Officer is sufficient for further and effective investigation.

3. Learned APP opposed the said submissions by stating that the report is promptly recorded by informant and it is supported by the statements of witness residing in neighborhood. According to her having regard to the nature of the offence it is not the fit case for grant of anticipatory bail.

4. Informant in her statement has given two different incidents occurred on 14/02/2023 whereas the witnesses have referred to only one incident wherein the informant was allegedly beaten by the accused. There is a report lodged by the applicant against the brother and mother of the informant in respect of the incident occurred on 05/02/2023 and there is reason to believe that the present report may be an outcome/counter blast to the report lodged by the applicant against the family members of the informant. In this backdrop it is necessary to be considered as to whether the custodial interrogation of the applicant would be necessary in this case. Admittedly nothing is to be recovered at the instance of the applicant. Issuance of appropriate directions to him to attend concerned police station will be sufficient for further effective investigation. However, since the investigation is in progress it would be

necessary to impose appropriate conditions against the applicant. Hence the order.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 76/2023, registered with Gandhi Chowk Police Station, Dist. Latur for the offences punishable under Sections 354, 354-A, 323, 294, 506 of the IPC, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station once in a week till conclusion of investigation.
- (iv) He shall not enter in to jurisdiction of Gandhi Chowk Police Station till filing of charge-sheet except for marking his attendance before investigating officer as directed above.
- (iv) He shall not contact the prosecutrix directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp