

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 196 OF 2023

Suresh Samadhan Wankhede	...Applicant
vs.	
The State of Maharashtra	...Respondent

Adv. Sagar R. Kapadia - Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 08th MARCH, 2023

P. C. :-

1. This Court has already granted interim protection on 23/01/2023. I have heard learned Advocate Shri Kapadia for the Applicant and learned APP Shri Dedhia for the Respondent-State.
2. The present Applicant is working as the Railway Guard. On 15/12/2022, he was travelling towards Bhusawal in Dadar - Bhusawal train. Instead of sitting in sleeper couch, he sat in A.C. coach. The first informant was Ticket Collector. While performing his duties, he told the Applicant to go and sit in the sleeper coach. On being annoyed, he alongwith 7 to 8 persons caught hold the first

informant and beaten him. The first informant was threatened to be throw out of running train.

3. Other passengers somehow rescued the first informant. Chain was pulled at Shahad Railway station. One person was taken into custody and handed over to the RPF belonging to Shahad Railway station. Then train left to Bhusawal and first informant lodged the complaint at Bhusawal Railway Police Station. From there it is transferred to Kalyan Railway Police Station. Offence is registered under Sections 143, 147, 353, 504, 506 read with 34 of the Indian Penal Code.

4. According to learned Advocate for the Applicant, he has abided to the conditions during interim protection granted by this Court and hence, his custodial interrogation is not required. Whereas learned APP insisted that his custodial interrogation is required because he can only tell who are those 7 to 8 associates.

5. I have gone through the investigation papers made available. There are statements recorded about passengers and sweepers. Whereas there is one statement of Vishal Khare recorded by RPF Titwala. In that statement, he has said that there is scuffle in between the first informant and the Applicant and in fact blood came

out of the nose of the Applicant. Considering this, the entire incident has not taken place as stated by the first informant. No doubt offence under Section 353 of the Indian Penal Code is serious and triable by the Court of Sessions. But we have to see for what reason custodial interrogation is required. Except knowing the names, there are no reasons. No weapon is used. It is contended that those 7 to 8 persons are also from Railway and they were travelling because they have attended Cricket match. In view of that Police can certainly ascertain the names of the other persons.

6. In view of that custodial interrogation is not required. Hence interim protection granted earlier is confirmed. Attendance be continued till filing of the charge-sheet.

7. Anticipatory bail application is disposed of. Parties to act on authenticated copies.

[S. M. MODAK, J.]