

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

CRIMINAL APPLICATION (ABA) NO.290 OF 2023

Praful @ Radhe s/o Gautam Jiwne

Vs.

State of Maharashtra Through Police Station Officer, Sewagram, District Wardha

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

Court's or Judge's orders

Mr. U. P. Dable, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/07/2023

1. The present application is for grant of anticipatory bail in the event of arrest in respect of Crime No.220/2022 registered with Sewagram Police Station, District Wardha for the offence punishable under Sections 143, 147, 148, 307 and 341 read with Section 149 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of Police as crime is registered against him and other co-accused on the basis of report lodged by Shivraj Manikrao Kadam. The allegation against the present applicant is that he, along with co-accused, have assaulted Journalist and his driver when the Journalist was on his way to his house in the late evening on 18.04.2022. As per the recitals of the FIR, 10 to 15 unknown persons have restrained the vehicle of the

Journalist and assaulted him as well as his driver by means of rod. In the said incident the Journalist sustained the head injury. On the basis of the said report, police have registered the crime.

3. It is the contention of the learned Counsel for the applicant that now chargesheet has been filed against the four persons. The applicant is shown absconding. The arrested accused have been released on bail. The Journalist has identified only one person i.e. the co-accused. The physical custody of the present applicant is not required. As far as the role assigned to the present applicant is concerned, he was keeping vigilance on the Journalist and was informing his location to the assailants.

4. It is submitted by the learned Counsel Mr. Dable for the applicant that co-accused are already released on bail. The CCTV footage is also seized. Thus, custodial interrogation of the present applicant is not required. Hence, the interim bail granted to the present applicant deserves to be confirmed.

5. The learned APP strongly opposed the application by filing his reply on the ground that custodial interrogation of the present applicant is required as the present applicant has placed the role of vigilance and conveyed the location to the assailants.

Thus, *prima facie* role is attributed to the present applicant and hence, application deserves to be rejected.

6. Having heard both the sides and on perusal of the FIR it reveals that only allegation against the present applicant is that he was keeping vigilance on the Journalist and was communicating the location of the Journalist. Thus, he has not authored any injury to the injured. Thus, the role of the present applicant is of a lesser gravity. Therefore, this Court granted the ad-interim protection. Now, considering the co-accused has already released on bail, who are the assailant. The physical custody of the present applicant is not required for the investigating purpose. As far as the interrogation is concerned, condition can be imposed on the present applicant. In view of that, the ad-interim bail granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

(i) The application is allowed.

(ii) In the event of arrest, the applicant **Praful @ Radhe s/o Gautam Jiwne** be released on bail, in Crime No.220/2022 registered with Sewagram Police Station, District Wardha for the offences punishable under Sections 143, 147, 148, 307 and 341 read with Section 149 of the Indian Penal Code, on executing PR in the sum of Rs.25,000/- with one solvent surety in the like amount.

(4)

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(iii) The applicant shall attend Police Station as and when required for investigation purpose.

(iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any other witnesses who are connected with the alleged crime.

(v) The applicant shall furnish his cell phone number and address with the address proof.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate