

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (ABA) NO.385 OF 2023
Rajendra Mahdev Khedekar Vs. State of Maharashtra
AND
CRIMINAL APPLICATION (ABA) NO.388 OF 2023
Umesh Murlidhar Rajurkar Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri Anil Dhawas, Advocate for applicants
Shri I.J. Damle, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JULY 21, 2023.

Both the applications are filed for grant of anticipatory bail in the event of their arrest in connection with Crime No.250/2023 registered with Police Station, Rajura, District Chandrapur for the offence punishable under Sections 353, 395 and 506 of the Indian Penal Code.

2. The applicants are apprehending arrest at the hands of police as crime is registered on the basis of report lodged by one Khushab Murlidhar Bonde on an allegation that on 18.05.2023 at about 8.30 pm, he was on patrolling duty at Waroda Phata at that time two tractors are restrained by him. The numbers of the tractors were not visible therefore he directed the tractor drivers to take the said tractors at Tahsil office. At the relevant time, the driver called one Anil Karekar. Said Anil Karekar asked him to leave both the tractors, at the relevant time, the applicant in Criminal Application (ABA) No.388/2023 i.e. Umesh Murlidhar Rathikar, who alleged to be a journalist came there and

threatened to leave the tractors. On the basis of report, the police have registered the crime against the present applicants and other co-accused.

3. As per contention of the present applicants that on the false allegations this crime is registered against them. As far as custodial interrogation is concerned, only allegation against them is that they asked the informant to leave the tractors and nothing is to be recovered from them. The sand which was in tractor was already recovered. They are not connected with the tractors which are accosted by the informant. As far as the interrogation is concerned, the present applicants are ready to cooperate with the investigating agency.

4. The said application is strongly opposed by the state on the ground that the custodial interrogation of the present applicants is required as the present applicants not only threatened the informant but also asked him to leave the tractor, which is illegal act and prays for rejection of applications.

5. Having heard learned counsel Shri Dhawas for the applicants and learned APP, perused the recitals of the FIR and the investigation papers, the only allegation against the present applicants is that they have threatened the informant and asked him to leave the tractor. As nothing is to be recovered from them and as far as the interrogation is concerned, conditions can be imposed on the present

applicants. In view of that, I proceed to pass the following order:

ORDER

- i. Both the criminal applications are allowed.
- ii. In the event of arrest in Crime No.250/2023 registered with Police Station, Rajura, District Chandrapur for the offence punishable under Sections 353, 395 and 506 of the Indian Penal Code, applicants – Umesh Murlidhar Rajurkar and Rajendra Mahadev Khedekar, be released on anticipatory bail on furnishing P.R. Bond in the sum of ₹25,000/- each with one solvent surety in the like amount.
- iii. The applicants shall attend concerned Police Station as and when required for the investigation purpose and shall cooperate in the investigation, till filing of the charge-sheet.
- iv. The applicants shall furnish cell phone number and address with address proof.
- v. The applicants shall not tamper prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

With this, both the applications are disposed of.

JUDGE

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