



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

CRIMINAL APPLICATION (ABA) NO.499 OF 2023

(Shri Ganesh s/o Vishnu Wagh Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.B. Moon, Advocate for the applicant.
Ms T. Udeshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 30, 2023.

Heard.

2. By this application, the applicant is seeking anticipatory bail in the event of his arrest in connection with Crime No.181/2023 registered with Police Station Andhera District Buldhana for the offence punishable under Sections 353 and 504 read with Section 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the accusation against the present applicant is that he is the owner of Tipper which was initially restrained by the informant, however, the Tipper driver fled away from the spot of incident. Thereafter, the owner was informed and asked to produce that Tipper and parked the same in a Tahsil Office. However, the present applicant abused the informant and threatened him. On the basis of the said report, police have registered the crime.

4. He further submitted that the applicant has received the notice under Section 41A of the Cr.P.C. The

Tipper was seized and subsequently it was released on Supratnama. Investigation is practically completed. The custodial interrogation of the present applicant is not required. After interim protection he cooperated with the Investigating Agency. In view of that he be released on anticipatory bail by confirming the same.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that the allegation against the present applicant shows that he restrained the officer from discharging his duty and taken away the Tipper. His custodial interrogation is required and prays for rejection of the application.

6. Having heard the learned Counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers and it reveals that the Investigating Officer has issued the notice under Section 41A of the Cr.PC. to the present applicant. He produced his Tipper which was seized and subsequently released. The Investigating Officer has also recorded the relevant statements of the witnesses. From the investigation papers it reveals that material part of the investigation is already completed. As far as the custodial interrogation of the present applicant is concerned, is not required. In view of that, the present applicant can be protected by granting anticipatory bail. Accordingly, I proceed to pass the following order :

(i) In the event of arrest in respect of Crime

No.181/2023 registered with Police Station Andhera District Buldhana for the offence punishable under Sections 353 and 504 read with Section 34 of the Indian Penal Code, the applicant – Shri Ganesh s/o Vishnu Wagh is hereby released on anticipatory bail on executing P.R. bond of Rs.20,000/- with one solvent surety of the like amount.

(ii) The applicant shall submit his cellphone number and address with the address proof.

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

(iv) The applicant shall not tamper, induce and pressurize any witnesses who are concerned with the crime in question.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*