



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

CRIMINAL APPLICATION (ABA) NO.608 OF 2023

Amol s/o Purushottam Patil and others

Vs.

State of Maharashtra, Through Police Station Officer, Wadi, Nagpur

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

Court's or Judge's orders

Mr. P. J. Pandey, Advocate for applicant.

Mr. V. A. Thakare, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/12/2023

1. By this application, the applicants are apprehended arrest in connection with Crime No.138/2023, registered with Police Station, Wadi District Nagpur for the offence punishable under Sections 448, 452, 427, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicants submitted that the name of the present applicants are not mentioned in the FIR. The alleged FIR is registered out of the business rivalry. The other co-accused is already released on anticipatory bail. The custodial interrogation of the present applicants are not required. He further submitted that as per the allegation on 06.04.2023 at about 10.15 p.m. the co-accused entered into the house of the complainant with a wooden rafter and assaulted the family members and caused the damage to the

articles. He submitted that as far as the role of the present applicants is concerned, their names are not mentioned. The person whose name is mentioned in the FIR is already released on anticipatory bail.

3. Learned APP strongly opposed the application on the ground that the co-accused and the present applicants entered into the house and assaulted the family members of the informant. For the interrogation purpose custody is required and prays for rejection of the application.

4. Having heard the learned Counsel for the applicants and learned APP for the State. Admittedly, the name of the present applicants are not mentioned in the FIR. It is also not disputed that the co-accused against whom the allegations are levelled in the FIR are already released on anticipatory bail. Considering there is no allegations in the FIR and custodial interrogation is not required, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant **No.(1) Amol s/o Purushottam Patil, No.(2) Shaikh Imaran Shaikh Karim and No.(3) Jitendra s/o Bharatlal Thakre** be released on anticipatory bail in the event of their arrest in connection with Crime No.138/2023, registered with Police Station, Wadi District Nagpur for the offence punishable

under Sections 448, 452, 427, 323, 504 and 506 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

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

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)