



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

CRIMINAL APPLICATION (ABA) NO.725 OF 2023

Anil Janardhan Sawake and another

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Washim (Rural),
Washim

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

Court's or Judge's orders

Mr. Mir Nagman Ali, Advocate for applicants.
Mr. Sneha Dhote, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/12/2023

1. Both the applicants are apprehending arrest at the hands of police in connection with Crime No.452/2023 registered with Police Station, Washim (Rural) for the offence punishable under Sections 353 and 332 read with Section 34 of the Indian Penal Code and approached to this Court for seeking anticipatory bail.

2. The accusation against the present applicants is that on 25.10.2023 informant was on duty at Washim Depot as a Driver. He was driving ST bus bearing No.MH-40-Y-5738 and Conductor was one Sanjay Dayaram Sharma. When the bus is reached at Khandala at 8.45 p.m. some passengers boarded in the bus but they were not having place to sit and there was scuffle. The present applicants pulled the driver of the bus and

assaulted him by kick and fist blows. On the basis of said report, police have registered the crime.

3. Learned Counsel Mr. Mir Nagman Ali for the applicants submitted that there was agitation by the students as the ST bus drivers were not halting their bus at Khandala stop. The girl students were not having any conveyance and out of that alleged incident has taken place. He further submitted that as far as the custodial interrogation is concerned, there is no allegation that any weapon is used by the present applicants. The allegation is that, they have assaulted by fist and kick blows. The applicants are ready to abide by all the conditions and ready to cooperate with the investigating agency.

4. Learned APP strongly opposed the application on the ground that the ST bus driver who is public servant discharging his duty was assaulted without any reasons. In view of that, application deserves to be rejected.

5. Having heard learned Counsel for the applicants and learned APP for the State. Perused the recitals of the FIR. Considering the allegation against the present applicants admittedly, nothing is to be recovered from the present applicants. As far as the interrogation against the present applicants is concerned, some conditions can be imposed. In view of that, application

deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **No.(1) Anil Janardan Sawake** and **No.(2) Ganesh Madan Wankhede** are released on anticipatory bail in the event of their arrest in connection with Crime No.452/2023 registered with Police Station Washim (Rural), District Washim for the offences punishable under Sections 353 and 332 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 Police Station as and when required for the investigation purpose.
- (iv) The applicants shall furnish their cell phone numbers and addresses with address proof.

(URMILA JOSHI-PHALKE, J.)