



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

CRIMINAL APPLICATION (ABA) NO. 19/2024

Ajay Ramdas Kathole and others Vs 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

Mr. H.S. Chawhan, counsel for the applicants.

Mrs. M.A.Barbde, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 29/01/2024.

1. By preferring this application, the applicants seek pre-arrest bail, in connection with Crime No.331/2023 registered with Police Station Janefal, District Buldhana for the offences punishable under Sections 143, 147, 148, 326, 324, 504, and 506 read with Section 149 of the Indian Penal Code, 1860.

2. Learned Counsel Mr. H. S. Chawhan, for the applicants, on instructions, seeks withdrawal of the application to the extent of applicant No.1 is concerned.

3. He submitted that as far as the allegation against the applicant Nos. 2 and 3 are concerned, which are general in nature. The specific role is attributed to them, but due to the blow by them, no grievous injury was sustained by the injured. He further submitted that the role assigned to the applicant Nos. 2 and 3 is also not a vital role, their custodial interrogation is not required. In view of that, interim protection granted to them, be confirmed.

4. Learned APP strongly opposed the present application on the ground that there are specific allegations against the applicant Nos.2 and 3, their custodial interrogation is required. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. As far as applicant No. 2 – Arvind Vikram Kathole and Applicant No.3 – Kailas Kisan Kathole, who are accused Nos. 4 and 5 are concerned, the allegations against applicant No.2 is that he has assaulted the husband of the informant by means of stick on his back, and the applicant No.3 has assaulted by the iron rod. The injury certificates are on record, which shows that the informant has sustained the fracture injury which is not assigned to applicants No.2 and 3, and the husband of the informant has sustained blunt trauma to the head which is also not assigned to applicant No.3.

6. Considering the role attributed to the present applicants and they have cooperated with the investigating agency, their further custodial interrogation is not required. In view of that, the interim protection granted in their favour deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) In the event of their arrest of applicant No.(2) Arvind Vikram Kathole and Applicant No.(3) Kailash Kisan Kathole, in connection with

Crime No.331/2023 registered with Police Station Janefal, District Buldhana for the offence punishable under Sections 143, 147, 148, 326, 324, 504 and 506 read with Section 149 of the Indian Penal Code, they are released on ad-interim anticipatory bail, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

- b) Applicant Nos.2 and 3 shall attend the concerned Police Station as and when required for the investigation purpose.
- c) Applicant Nos.2 and 3 shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d) The application of applicant No.1 is disposed of as withdrawn.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]