



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

CRIMINAL APPLICATION (ABA) NO.108 OF 2024

Prabhulal s/o Dhanpal Gautam

Vs.

The State of Maharashtra, Through Police Station Officer, Gondia Gramin,
District Gondia

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

Court's or Judge's orders

Mr. M. A. Khobragade, Advocate for applicant.

Ms. T. H. Udeshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.6/2024 registered with Police Station, Gondia Gramin, District Gondia for the offences punishable under Sections 294, 324, 353 and 506 of the Indian Penal Code, the applicant seeks pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Police Constable Jivan Bhikaji Jadhav alleging that at Police Station they have received a phone call of wife of the present applicant, who complained that she was assaulted by her husband. Therefore, they went at the house of the present applicant, wherein the present applicant has abused them and also assaulted them. Due to which, the informant has sustained the injury on his left eyebrow. On the basis of said report, Police have registered the crime.

3. Learned Counsel for the applicant submitted that in fact, two unknown police personnel came near the house of the present applicant and started assaulting the present applicant and his wife. The wife of the present applicant has already lodged the written complaint with the Superintendent of Police, Gondia on 06.12.2023, wherein she has alleged that not only she but her husband i.e. present applicant is also assaulted. Thus, the allegations made in the FIR appear to be false one. He submitted that in view of the order passed by this Court, the incriminating articles is already produced by the applicant before the Investigating Officer. In view of that, custodial interrogation of the present applicant is not required and therefore, interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the application and submitted that the Police Constables are assaulted by the present applicant. Considering the gravity of the offence, the application for grant of pre-arrest bail deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the FIR and the investigation papers, it reveals that there was a dispute between husband and wife and in the said incident, the applicant has also assaulted the police personnel. As far as the custodial interrogation

is concerned, which is not required, as incriminating article is already recovered. In view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.6/2024 registered with Police Station Gondia Gramin, District Gondia for the offences punishable under Sections 294, 324, 353 and 506 of the Indian Penal Code, the applicant **Prabhulal s/o Dhanpal Gautam** be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (v) On contravention of any of the conditions, the protection granted to the present applicant deserves to be cancelled.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)