



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

CRIMINAL APPLICATION (ABA) NO. 119 OF 2024

Sadanand Ramdayal Morganje V/s 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. A.S.Dhore, counsel for the applicant.

Mr. Nitin Autkar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/03/2024.

1. Apprehending arrest at the hands of police, in connection with Crime No. 24/2024 registered with Police Station Chikhli, District Buldhana, for the offence punishable under Sections 354, 427, 294, 323, 504, 506, 452 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. As per the prosecution against the present applicant is on the basis of report lodged by the victim, alleging that the victim and the applicant are neighbors, and there is previous enmity between them on account of the land. It is alleged that on 10/1/2024, the applicant abused her and also restrained them from constructing the wall compound. In the said incident, she was assaulted by the present applicant and applicant has outraged her modesty by pulling her blouse, due to which, her blouse torn, on the basis of said report, Police have registered the crime.

3. Learned counsel for the applicant submitted that, after the applicant was protected by this Court by granting ad-interim anticipatory bail and he has attended the concerned Police Station and cooperated with the investigating agency.

4. He further submitted that the alleged offence is registered against the present applicant, due to the civil dispute between the parties. As far as the custodial interrogation is concerned which is not required. In view of that, ad-interim protection granted to him deserves to be confirmed.

5. Learned APP though strongly opposed the application but on the basis of instructions given by the investigating officer submitted that the applicant has attended the concerned police station and is cooperated with the investigating agency.

6. From the recitals of the FIR, it reveals that the civil dispute is pending between them on account of compound wall. The allegation against the applicant is that he has outraged the modesty of the victim by tearing her blouse, and assaulting her. From the recitals of the FIR, it nowhere reveals that any weapon is used in said incident therefore, nothing is to be recovered and the custodial interrogation is not required. Considering the applicant has already attended the concerned Police Station and cooperating with the investigating agency, the interim protection granted to the present applicant deserves to be confirmed. Hence, the

criminal application deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No. 24/2024 registered with Police Station Chikhli, District Buldhana, for the offences punishable under Sections 354, 427, 294, 323, 504, 506, 452 read with Section 34 of the Indian Penal Code, 1860, the applicant– Sadanand Ramdayal Morganje, is released on anticipatory bail, on executing P.R.Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate the investigating agency.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]