



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

**CRIMINAL APPLICATION (ABA) NO. 132 OF 2024**

Babarao s/o Dipala Rathod V/s State of Maharashtra

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. Harsh Kanjwani, counsel h/f Mr. S.G. Joshi, counsel for applicant.  
Mr. Nitin Autkar, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 12/03/2024.**

1. Apprehending arrest at the hands of Police, in connection with Crime No. 14/2024 registered with Police Station Ansing, District Washim for the offence punishable under Sections 353, 504 and 506 of the Indian Penal Code, 1860. The applicant approached this Court for grant of pre-arrest bail.

2. The learned counsel for the applicant submitted that as the crime is registered against him on the basis of report lodged by Ramu Ganpat Rathod alleging that he is serving as a Peon in a Grampanchayat, the present applicant came in the Grampanchayat Office, abused and assaulted him. On the basis of said report, the police have registered the crime.

3. The learned counsel for the applicant further submitted that considering the allegation against the present applicant, admittedly no weapon is used and nothing is to be recovered from the present applicant. After

interim protection, he has cooperated with the investigating agency. In view of that, the interim protection granted to him be confirmed.

4. The learned APP strongly opposed the said application on the ground that the public servant is assaulted by the present applicant. Thus, custodial interrogation of the present applicant is required.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. Admittedly, the allegation against the present applicant is that he has assaulted the public servant on the reason that he has not cleaned the office. The allegation is that the present applicant has given his Tax. Thus, no weapon is used. Therefore, nothing is to be recovered from the present applicant. As far as the custodial interrogation part is concerned, which can be taken care of, as the applicant is already directed to attend the concerned police station for investigation purpose. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] In connection with Crime No. 14/2024 registered with Police Station, Ansing, District Washim for the offence punishable under Sections 353, 504 and 506 of the Indian Penal Code, 1860, the applicant – **Babarao s/o Dipala Rathod** shall be released on

anticipatory bail, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount;

- c] The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 01.00 p.m., till further orders.
- d] The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of this case.

The criminal application is **disposed of**.

**[URMILA JOSHI-PHALKE, J.]**