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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.150 OF 2024
(Atul s/o Namdeorao Wandile and ors. 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. A.C. Jaltare, Advocate for the applicant.
Ms H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 14, 2024

By this application, the applicant is seeking pre-arrest bail. The applicant is apprehending arrest at the hands of police in connection with Crime No.89/2024 registered with Police Station Samudrapur, District Wardha for the offences punishable under Sections 143, 147, 148, 324 and 326 read with Section 149 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that this Court has protected the applicant Nos.2 to 4 as there is no overt act attributed to them. As far as applicant No.1 is concerned he was not protected by way of interim protection as there was specific allegation in the FIR but from the statements of the witnesses it reveals that the allegation made in the FIR is false one as the statements of the eye-witnesses shows that only role attributed to the present applicant No.1 that he slapped the informant and therefore, he tumble down and dashed against one iron angle and sustained the injuries. He submitted that

considering the statements of the witnesses his incarceration is not required, and therefore, he also be protected by granting anticipatory bail.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that present applicant No.1 who is from one political party assaulted the informant for a trifle reason and thereby committed the offence, his custodial interrogation is required.

4. I have heard learned counsel for both the parties. Perused the investigation papers. Though it is alleged in the FIR that applicant No.1 along with others came at the spot and assaulted the informant by means of iron rod but the statements of the witnesses says contrary that the role of the present applicant is only to the extent of giving slap to the informant. Considering the same, the custodial interrogation of the present applicant No.1 is not required. In view of that, applicant No.1 is also entitled for the protection granted to the other applicants. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicants –
1) Atul s/o Namdeorao Wandile, 2) Pralay s/o Bhauraoji Telang, 3) Ashok s/o Pundlikrao Dagwar and 4) Pravin s/o Tilakraj Shrivastav in connection with Crime No.89/2024 registered with Police Station Samudrapur,

District Wardha for the offences punishable under Sections 143, 147, 148, 324 and 326 read with Section 149 of the Indian Penal Code, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iii) The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*