



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

CRIMINAL APPLICATION (ABA) NO.173 OF 2024

(Sanjay s/o Niranjan Aldar and others Vs. State of Maharashtra thr. its PSO PS
Manora, Dist. Washim)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Alpesh Deshmukh, Advocate for Applicant.
Mr. S. C. Joshi, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 28th MARCH, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.182/2024 registered with Police Station Manora, District Washim for the offence punishable under Sections 109, 143, 147, 188, 353, 447 read with Section 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951.

2. The learned counsel for the applicant submitted that the report is lodged by the Police Officer on an allegation that on 19.02.2024 on the auspicious occasion of Shri Chhatrapati Shivaji Maharaj Jayanti at about 03:25 a.m. some 30-40 people gathered near the Chhatrapati Shivaji Maharaj statue, so the informant along with the home-guard went there. The informant witnessed that people gathered there and that there was a crane and tempo carrying the statue of Chhatrapati Shivaji Maharaj. The people gathered at the spot of incident forcefully tried

to install the statue of Chhatrapati Shivaji Maharaj without obtaining any permission. On the basis of said report, police have registered the crime against. He submitted that as far as the identification of the applicant is concerned which is in question as mob of 30-40 people. At the most the role attributed to the present applicant was that he was one of the members of the mob, there is no specific allegation that he was trying to install the said statue. Moreover, custodial interrogation is not required. In view of that, the pre-arrest bail granted to the present applicant deserves to be confirmed.

3. The learned Additional Public Prosecutor strongly opposed the said application on the ground that without obtaining permission the mob has attempted to install the statue and created the law and order situation. In view of that, application deserves to be rejected.

4. Having heard the learned counsel for the applicant and the learned APP for the State, perused the investigation papers considering the fact that 30-40 people gathered to celebrate the Chhatrapati Shivaji Maharaj Jayanti and attempt was made to install the statue without obtaining the permission. Even if the statement is taken into consideration as it is the custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

[i] The application is allowed.

[ii] The interim protection granted to the applicants are confirmed on the same terms and conditions which are imposed while releasing the applicants on interim anticipatory bail.

5. The application stands disposed of.

JUDGE