



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

CRIMINAL APPLICATION (ABA) NO.175 OF 2024

(Pralhad Hiranman Malik and another Vs. State of Maharashtra thr. its PSO PS Armori,
Dist. Gadchiroli)

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

Court's or Judge's orders.

Mr. N. D. Dawda, Advocate with Mr. A. M. Jaltare, Advocate for Applicants.
Ms. H. N. Prabhu, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 18th APRIL, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.29/2024 registered with Police Station Armori, District Gadchiroli for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, the applicants approached to this Court for grant of pre-arrest bail.

2. The accusation is on the basis of report lodged by Madhavi Sapan Malik alleging that the co-accused Sushma Pralhad Malik is her sister-in-law and there was a family dispute between them. On 20.01.2024, said co-accused assaulted her and also bite on her chest and her left cheek. As far as the present applicants are concerned, it is alleged that they have hold her hands, legs and head and the co-accused Hiranman Malik administered her poison. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the present applicants are concerned, the only allegation against them is that they hold her. Thus, there is no allegation that either they have administered the poison or they have assaulted her. Considering the role attributed to the present applicants, their custodial interrogation is not required and therefore, ad-interim protection granted in their favour deserves to be confirmed.

4. The learned APP strongly opposed the said application on the ground that viz. the common object the present applicants and the other co-accused administered her poison and therefore, protection granted to the present applicants deserves to be cancelled. She further submitted that the medical papers also shows that the victim admitted in the hospital as poison was administered to her. Considering the same, the custodial interrogation of the present applicants are required and prays for rejection of the application.

5. Having heard the learned for the applicants and the learned APP for the State, perused the investigation papers from investigation papers and from the statement of the injured it reveals that only role attributed to the present applicants is that they hold her hands and legs. Thus, allegation of assault and administering the poison is not against the present applicants. Considering the same, the custodial interrogation is not required and nothing is to be recovered from them. In view of that, they can be

protected by granting anticipatory bail by confirming the protection. Accordingly, I proceed to pass following order.

- (i) The application is allowed.
- (ii) In the event of the arrest in connection with Crime No.29/2024 registered with Police Station Armori, District Gadchiroli for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, the applicants Pralhad Hiranman Mallik and Dipankar Vishwanath Tapodar be released on anticipatory bail on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- (iii) The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate the investigating agency.
- (iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (v) The applicants shall not enter the vicinity of Shankar Nagar, Tahsil Armori, District Gadchiroli till further orders.

6. The application is disposed of.

JUDGE

NSN