



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

CRIMINAL APPLICATION (ABA) NO. 181 OF 2024

Shrinivas Anjaiya Viyanwar 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. S.P. Bhandarkar, counsel with Mr. A.C. Khadse, counsel for applicant.
Mrs. S.V. Kolhe, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/04/2024.

1. Apprehending the arrest at the hands of Police, in connection with Crime No. 122/2024 registered with Police Station Kanhan, District Nagpur (Rural) for the offence punishable under Sections 25 and 4 of the Arms Act, 1959 and under Section 135 of the Maharashtra Police Act, 1951, the applicant approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is that he was carrying a sword and waved the same on a highway near Shitlamata Mandir, in the marriage procession of his son on 20/02/2024 and thereby caused fear in the mind of the general public at large. On the basis of said report, the Police have registered the crime against the present applicant.

3. The learned counsel for the applicant Mr. S.P. Bhandarkar submitted that at the most, it can be say that, out of excitement and in the joy, he has shown the said sword in the marriage procession, there was no intention to keep the public under the fear. It is just in a marriage procession it

appears to be shown. As far as the custodial interrogation is concerned, which is not required, as the sword is already recovered by the investigating agency. Moreover, the applicant is suffering from Cancer which is at the fourth stage. The medical certificate is also placed on record. In view of that, he prays for confirmation of the interim protection granted to the present applicant.

4. After perusal of the investigation papers, especially the recitals of the FIR, the only allegation against the present applicant is that, in a marriage procession of his son he has shown the said sword. As far as the apprehension raised by the investigating agency is concerned, which is not substantiated by any other material. At this stage, considering the sword is already recovered by the investigating agency, custodial interrogation is not required. Moreover, medical report filed on record shows that he is suffering from Cancer and which is of a fourth stage. If he sent behind bar, definitely his health would be deteriorated. In view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- a] In the event of his arrest, in connection with Crime No. 122/2024 registered with Police Station Kanhan, District Nagpur (Rural) for the offence punishable under Sections 25 and 4 of the Arms Act, 1959 and under Section 135 of the Maharashtra Police Act, 1951 the applicant –

Shrinivas Anjaiya Viyanwar, shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]