



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

CRIMINAL APPLICATION (ABA) NO. 251 OF 2024

Sunil Shyamrao Gajbhiye 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. R.D. Wakode, counsel for the applicant.

Mrs. Swati Kolhe, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/05/2024.

1. Apprehending the arrest at the hands of Police in connection with Crime No. 263/2024 registered with Police Station, Gadge Nagar, Amravati City, District Amravati for the offence punishable under Sections 143, 147, 148, 109, 117, 353, 332, 333, 427 read with Section 149 of the Indian Penal Code, 1860, Section 3 of the Prevention of Damage to the Public Property Act, 1984 and Section 135 of the Maharashtra Police Act, 1951, the applicant approached to this Court for grant of pre-arrest bail.

2. The applicant is an Advocate by profession, and on the date of the incident, he was working in the Court. It is submitted that he is falsely implicated in the alleged offence, his name also is not mentioned in the FIR. It is submitted that as far as the allegations are concerned, some agitators tried to enter into the Office of the Divisional Commissioner of Amravati and pelted water bottles and stones towards the Police, in which some police personnel received injuries and

the police vehicles were damaged. Learned counsel for the applicant submitted that as far as the custodial interrogation is concerned, there is no allegation that it was the present applicant who has pelted the stone or water bottle. Moreover, the incriminating articles are found at the spot itself therefore, custodial interrogation of the applicant is not required. In view of that ad-interim protection granted to the applicant deserves to be confirmed.

3. Though learned APP strongly opposed the said application on the ground that his custodial interrogation is required. Considering the fact that, the police vehicles are damaged by the agitators and the Police Personnel also received the injuries but she fairly admitted that the applicant has cooperated with the investigating agency.

4. Considering the submissions made by the learned counsel for the applicant and learned APP for the State and name of the present applicant is not mentioned in the FIR. No specific role is attributed to him, his custodial interrogation is not required and therefore, the ad-interim protected granted to the applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- a] In the event of his arrest, in connection with Crime No. 263/2024 registered with Police Station, Gadge Nagar, Amravati City, District Amravati for the offence punishable under Sections 143, 147, 148, 109, 117, 353, 332, 333, 427 read with Section 149

of the Indian Penal Code, 1860 read with Section 3 Prevention of Damage to the Public Property Act, 1984 and Section 135 of the Maharashtra Police Act, 1951, the applicant – Sunil Shyamrao Gajbhiye shall be released on anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b] The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- c] 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.]