



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

CRIMINAL APPLICATION (ABA) NO.279 OF 2024

(Dilip Shankarrao Pachare and anr. 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. S.W. Sambre, Advocate for the applicants.
Mr. M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 22, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.294/2024 registered at police station Sawangi (Meghe), District Wardha for the offence punishable under Sections 326, 341, 323, 504 read with Section 34 of the Indian Penal Code, the present applicants approached to this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicants submitted that the main application of the present applicants is pending before the Sessions Court however, interim prayer for releasing him on ad-interim anticipatory bail is rejected by the Sessions Court. He further submitted that from the recitals of the FIR only role attributed to the present applicants who are accused Nos.2 and 3 is that they have assaulted by fists and kick blows. As far as custodial interrogation is concerned which is not required as no weapon is used by them. He further submitted that the marriage of applicant No.1 is scheduled on

29/04/2023. If he is arrested and send behind bar then it is not possible for him to perform the marriage. He submitted that considering the role attributed to him, immediate custodial interrogation is not required and he is ready to cooperate with the investigating agency.

3. Learned APP strongly opposed the application on the ground that considering that the co-accused has assaulted the injured by using the knife and present applicants sharing the common intention with him. In view of that, their custodial interrogation is required.

4. Considering the fact that main application is still pending before the Sessions Court and the submission of the learned Counsel that the marriage of applicant No.1 is to be performed on 29/04/2024 and the role attributed to him is only to the extent of assault by fist and kick blows, their interim prayer deserves to be considered.

5. Considering the fact that the immediate custodial interrogation is not required as no weapon is used by him and the marriage of applicant No.1 is scheduled on 29/04/2024, the prayer for grant of ad-interim anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicants –
1) Dilip Shankarrao Pachare and 2)
Sundarabai Shankarrao Pachare in

connection with Crime No.294/2024 registered at police station Sawangi (Meghe), District Wardha for the offence punishable under Sections 326, 341, 323, 504 read with Section 34 of the Indian Penal Code, be released on ad-interim 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 once i.e. on 25/04/2024 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.

6. The application is disposed of.

7. The Sessions Court shall consider the anticipatory bail application of the present applicants on its own merits and shall dispose of it as early as possible.

(URMILA JOSHI-PHALKE, J.)