



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

CRIMINAL APPLICATION (ABA) NO.294 OF 2024
(Rajesh Girdhar Shirsat and ors. 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. M. Vishnu, Advocate a/w Mr. S.K. Wankhade, Advocate for the applicants.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 2024.

By preferring this application, the applicants are seeking pre-arrest bail in connection with Crime No.114/2024 registered with Police Station Ramdaspath, Akola, District Akola for the offence punishable under Sections 324, 504, 506, 354 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicants submitted that as far as the applicants are concerned they are implicated falsely. He submitted that even considering the allegations as it is, the custodial interrogation of the present applicants is not required. He further submitted that the injuries sustained by the injured are of a simple nature. Now, the investigation is practically completed, further custodial interrogation is not required. He further submitted that the cross complaints are filed which shows that there was a scuffle between the two groups, and therefore, two FIR's are lodged against each other. Considering the entire facts and circumstances, the

custodial interrogation is not required. In view of that, the applicants be released on bail.

3. Learned APP strongly opposed the application on the ground that applicant No.1 has not only snatched the ATM card from the victim but also put his hand inside the gown and physically touched to her breast and pressed it. Thus, the specific allegation is made against applicant No.1. As far as applicant No.2 is concerned against whom it is alleged that he has assaulted the brother of the victim by giving blow of tile due to which the brother has sustained the injuries. Thus, considering the specific role attributed to the present applicants, the protection cannot be granted to them. As far as applicant No.3 is concerned he is fairly admitted that the general allegation is made against him.

4. I have heard learned Counsel for both the sides. Perused the recitals of the FIR which shows that the role attributed to applicant No.1 that he has outraged the modesty of the victim by physically touching her and that is also to the private part as well as applicant No.2 has used the tiles to assault the brother of the victim. Thus, specific role is attributed to both the applicants and considering the considerations for grant of anticipatory bail, the prayer for grant of anticipatory bail by applicant Nos.1 and 2 deserves to be rejected whereas applicant No.3 against whom general allegations are made, his custodial interrogation is not required, and therefore,

interim protection granted to him deserves to be confirmed.

5. Hence, the prayer for grant of anticipatory bail by applicant Nos.1 and 2 is hereby rejected.

6. The interim protection granted to applicant No.3 vide order dated 26/04/2024 is hereby confirmed on the same terms and conditions.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*