



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

CRIMINAL APPLICATION (APPP) NO.795 OF 2024
IN
CRIMINAL APPLICATION (ABA) NO.308 OF 2024

Hiralal Krushnaji Ramteke and another
Vs.
State of Maharashtra, Through Police Station Officer Pulgaon District
Wardha

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

Court's or Judge's orders

Mr. R. B. Gaikwad, Advocate for applicants.
Ms. Shamshi Haider, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/05/2024

1. Apprehending the arrest at the hands of police in connection with Crime Number 325/2024 registered with Police Station Pulgaon, District Wardha for the offence punishable under Sections 324, 325, 326 read with Section 34 of the Indian Penal Code.

2. The applicants are apprehending arrest at the hands of police in connection with above said crime as accusation made against the present applicants is on the basis of report lodged by Anmol Gulabrao Mankar who has alleged that due to the previous enmity between the present applicants and him on 04.04.2024 at about 7.00 p.m. when he was proceeding on his motorcycle and his motorcycle was

stopped due to some mechanical defect in it. At the relevant time, present applicants came by holding iron rod in their hands and assaulted him on his head as well as on other parts of the body. Due to the said assault, he sustained the injury. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that the injured has sustained the injury due to the accident. Due to the previous enmity, these applicants are falsely implicated. He further submitted custodial interrogation of the present applicants is not required. In view of that, they be protected by granting ad-interim protection.

4. Learned APP strongly opposed the application on the ground that injured has sustained the grievous injury, subsequently the crime under Section 326 of I.P.C. is also registered. The custodial interrogation is required to seize the iron rod which is used as a weapon of the offence. In view of that prayer of grant ad-interim protection deserves to be rejected.

5. Having heard the learned Counsel for the applicants and learned APP for the State, perused the recitals of the FIR. As far as the applicant No.2 is concerned, general allegation is made against her, whereas there is specific allegation against the

applicant No.1. The report of the Officer addressed to the Government Pleader shows that injured has sustained the injury on scalp at frontal region extending backward left forearm, left temporo-parietal region and left forearm and right leg. The injury is grievous in nature, in view of that, the prayer for grant of ad-interim protection to the applicant No.1 is hereby rejected.

6. In view of that I proceed to pass following order:

(i) In the event of arrest in connection with Crime Number 325/2024 registered with Police Station Pulgaon, District Wardha for the offence punishable under Sections 324, 325, 326 read with Section 34 of the Indian Penal Code, the applicant **No.2 Karuna Hiralal Ramteke**, be released on ad-interim anticipatory bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant No.2 shall attend the concerned police station once in a week on Sunday between 10.00 am. to 1.00 p.m. and shall cooperate with the investigating agency.

(iii) The applicant No.2 shall not induce, threat or promise any witnesses who acquainted with the facts of the case.

(iv) The application of the applicant No.1 for grant of ad-interim protection is hereby rejected.

(4)

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7. The Criminal Application (APPP)
No.795/2024 is disposed of.

CRIMINAL APPLICATION (ABA) NO.308 OF 2024

Stand over after summer vacation.

(URMILA JOSHI-PHALKE, J.)

Sarkate