



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

CRIMINAL APPLICATION (ABA) NO.386 OF 2024
(Sanjay s/o Dinkar Padghan Vs. The 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. P.B. Patil, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 12, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail. The applicant is apprehending arrest at the hands of police in connection with Crime No.135/2024 registered with police station Andhera, Taluka Chikhali, District Buldhana for the offence punishable under Sections 324, 332, 341, 353 and 504 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the accusation against the present applicant is on the basis of report lodged by one Pradeep Vishwanath Nirmal alleging that on 24/05/2024 he was driving the bus bearing registration No.MH-40-N-9501 and proceeding from Bibi to Chikhali. On the way there was altercation between him and the present applicant and the present applicant lifted one stick from the spot and gave a blow on his mouth, and therefore, he sustained the injury. On the basis of said report, police have registered the crime.

4. Learned Counsel for the applicant submitted that regarding the said incident two cross-complaints are filed. The applicant has also filed the FIR alleging that the complainant has driven the bus in a rash and negligent manner and gave a dash to his motorcycle, and therefore, there was altercation of the words. Learned Counsel for the applicant submitted that considering the nature of the injury custodial interrogation of the present applicant is not required. He is already protected by granting ad-interim protection and he has cooperated with the investigating agency. In view of that, the ad-interim protection granted to the present applicant deserves to be confirmed.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that the public servant was restrained by the present applicant and was assaulted when he was discharging his official duty. Considering the act of the present applicant, his custodial interrogation is required and prays for rejection of the application.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR and investigation papers. The injury sustained by the complainant is simple in nature. As far as the custodial interrogation part is concerned which is not required. The applicant has already cooperated with the investigating agency when he is released on ad-interim protection. In view of that,

interim protection granted to the present applicant deserves to be confirmed.

7. Hence, the application is allowed and the interim protection granted to the applicant vide order dated 04/06/2024 is hereby confirmed on the same terms and conditions except condition No.5(iv), which is modified as under :

“The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet.”

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*