



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

CRIMINAL APPLICATION (ABA) NO.402 OF 2024

Swapnil s/o Siddharth Tirpude

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Gittikhadan, District Nagpur

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

Court's or Judge's orders

Mr. C. R. Thakur, Advocate for applicant.
Ms. H. N. Prabhu, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/06/2024

1. By this application, the applicant is seeking anticipatory bail in connection with Crime No.380/2024 registered with Police Station Gittikhadan, District Nagpur for the offences punishable under Sections 307, 326, 294 and 295 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that on 18.05.2024, in the Lord Hanuman Temple some religious function was going on. At that time, there was a scuffle between the two groups and in that scuffle both the group members sustained the injuries. As far as present applicant is concerned, it is alleged that he has assaulted the injured by means of wooden rod. Now, the said wooden rod is already produced by the present applicant. The present applicant has also sustained the injuries whose

medical certificate is on record. The counter FIRs are lodged against each other. The medical certificate shows that the applicant has also sustained the five stitches on his upper limb. Thus, considering the manner in which the alleged incident has taken place as the applicant has already cooperated with the investigating agency, his custodial interrogation is not required.

3. Learned APP strongly opposed the said application on the ground that the role of the present applicant is that he has assaulted the injured by means of wooden rafter. Though wooden rafter is recovered, but his custodial interrogation is required for the investigation purpose.

4. After perusal of the entire investigation papers and the recitals of the FIR, it reveals that during the religious function, the rift was between the two groups on the ground of reducing the volume of the speaker which resulted into scuffle. Both party members have sustained the injuries in the said incident. As far as the custodial interrogation is concerned, which was required for the purpose of recovery of weapon, the said weapon is already produced by the present applicant before the investigating agency. The interrogation part can be taken care of by imposing certain conditions on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to

pass following order:

(i) The ad-interim protection granted to the present applicant by order dated 10.06.2024 is hereby confirmed, on the condition that he shall attend the concerned Police Station as and when required for the investigating purpose and shall cooperate with the investigating agency.

(ii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)