



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

CRIMINAL APPLICATION (ABA) NO.460 OF 2024

Shubham Bhagat Khadse and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Washim (Gramin), District Washim

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

Court's or Judge's orders

Mr. B. T. Parwe, Advocate for applicant.
Ms. Trupti Udeshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/08/2024

1. Heard.

2. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.246/2024 registered with Police Station, Washim Rural, District Washim for the offences punishable under Sections 353, 332, 143, 147, 148, 294, 504 and 506 of the Indian Penal Code.

3. As per the allegation against the present applicants on the basis of report lodged by Ganesh Shriram Gangawane who is serving in MSEB, Washim. As per his allegation on 28/05/2024 all the applicants came to the centre where he is serving and abused him. One of the co-accused Datta Vishwanath Khandare has assaulted him as well as one guard Anil Dakhore. As far as present applicants are concerned

it is alleged that they have assaulted by means of kicks. On the basis of said report, police have registered the crime against them.

4. Learned Counsel for the applicants submitted that as far as applicant Nos.1 and 3 to 7 are concerned allegation is that they have assaulted by kicks. The name of applicant No.2 is not mentioned in the FIR. As nothing is to be recovered from them and their custodial interrogation is not required, they are already attending the concerned Police Station, in view of that, the interim protection granted to the present applicants deserves to be confirmed.

5. Learned APP strongly opposed the application on the ground that the public officer was assaulted for the trifle reason by the present applicants and considering the same, the application deserves to be rejected.

6. After hearing the learned Counsel for the applicants and learned APP for the State, perused the recitals of the FIR from which it reveals that the allegation of the assault by bricks is against Datta Vishwanath Khandare. As far as present applicants are concerned, it is specifically alleged that they have assaulted by means of kicks. Thus, considering their role, their custodial integration is not required. Moreover, after they were protected they have

cooperated with the investigating agency. There is no allegation that they have misused the liberty granted to them.

7. In view of that, the interim protection granted to the applicants namely **1) Shubham Bhagat Khadse, 2) Raju Bhagat Khadse, 3) Bandu Shankar Khandare, 4) Sunil Ananda Khandare, 5) Om Ramaji Khandare, 6) Vishal Ramji Khandare** and **7) Ramdas Bhanudaas Khandare** by order dated 01.07.2024 is hereby confirmed on the similar condition that they shall attend the concerned Police Station once in a week on every Sunday between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet. The other conditions imposed shall remain as it is.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)