



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

CRIMINAL APPLICATION (ABA) NO. 461 OF 2024

Mahipal S/o Satyapal Mdavi
Vs.

State of Maharashtra, Thru. PSO, PS Pombhurna, Dist. Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.S. Lokhande, Advocate for applicant.
Mrs. M.A. Barabde, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 08.08.2024

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.134/2023 registered with Police Station Pombhurna, District – Chandrapur, for the offence punishable under Sections 143, 144, 147, 148, 149, 307, 329, 353 and 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. The applicant is apprehending his arrest at the hands of Police as crime is registered on the basis of report lodged by Sandip Vilas Chalkh on an allegation that on 20.10.2023, he was at bandobast duty as per the directions of the Superior and the people from the Gondwana Community were

agitating for demand. The present applicant was one of the agitator and all the agitators entered into the forest office and caused the damage to the office. It is further alleged that when the informant has led down them, the present applicant and other co-accused assaulted him, torn his clothes and also attempted to press his neck. On the basis of said report, the police have registered the crime.

3. Learned counsel for the applicant submitted that during agitations, some people alleged to be assaulted the informant. As far as the present applicant is concerned, there is no allegation that either he has assaulted him or allegedly pressed the neck of the informant. Admittedly, no weapon alleged to be used by the present applicant, therefore, his custodial interrogation is not required. He further submitted that some of the accused are already protected by this Court by granting anticipatory bail.

4. Learned APP for the State strongly opposed the said application on the ground that there is a serious allegation against the present applicant and the other co-accused, who attempted to press the neck of the informant, who was

discharging his duty. She further submitted that it was the common object of all the accused and infurtherance of their common object, the informant was assaulted and therefore, the custodial interrogation of the present applicant is required.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and the investigation papers from which it reveals that except the presence no specific role is attributed to the present applicant. As far as the custodial interrogation is concerned, which is not required as nothing is to be recovered from him, in view of that, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order: -

ORDER

(a) In the event of the arrest in Crime No.134/2023 registered with Police Station Pombhurna, District – Chandrapur, for the offence punishable under Sections 143, 144, 147, 148, 149, 307, 329, 353 and 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, the applicant **Mahipal S/o Satyapal Mdavi** shall be released on anticipatory bail on executing PR bond

in the sum of Rs.25,000/- with one solvent surety in the like amount.

(b) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case.

6. The criminal application is disposed of accordingly.

(SMT. URMILA JOSHI PHALKE, J)