



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

CRIMINAL APPLICATION (APPP) NO. 1307 OF 2024
IN
CRIMINAL APPLICATION (ABA) NO. 473 OF 2024

Gopal s/o Babulal Agrawal Vs 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. S.V. Sirpurkar, counsel for applicant.

Mr. K.R. Lule, APP for non-applicant/State.

Mr. Amit Bhate, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/08/2024.

1. By this application, the original complainant seeking permission to intervene in the application by engaging the counsel to assist the prosecution.
2. In view of the reasons mentioned in the application, the complainant is permitted to engage the counsel to Assist to Prosecution.
3. The criminal application (APPP) No. 1307/2024 is disposed of.

CRIMINAL APPLICATION (ABA) NO. 473 OF 2024

1. Apprehending the arrest at the hands of police, in connection with Crime No. 316/2024 registered at Police Station Khamgaon City, District Buldhana for the offences punishable under Sections 452, 352, 143, 109, 506 of the Indian Penal Code, 1860, and Section 4 of the Maharashtra

Media Person and Media Institution (Prevention of Violence and Damage or Loss to Property) Act, 2017, present applicant approached this Court for grant of pre-arrest bail.

2. As per the allegation, the complainant is a journalist and working in the Daily Newspaper, namely 'Lokopchar'. On 03/05/2024 one of the teachers of Yug Dharma Public School alleged against the President i.e., the present applicant. The information was received by the complainant from his personal sources. On 10/06/2024, the complainant published the said news in his newspaper. Thereafter, on 4/06/2024, when the complainant was working in his office, some of the persons, along with some male and female school staff, came at the office of the complainant and started abusing him verbally and threatening him. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel Mr. S.V. Sirpurkar, for the applicant, submitted that, as far as the allegations in the FIR is concerned, the name of the present applicant is not mentioned, even though none has stated about his presence at the spot. He submitted that, considering the role of the present applicant, admittedly his custodial interrogation is not required, and therefore, the interim protection granted to him deserves to be confirmed.

4. Learned APP and learned counsel for the complainant strongly opposed the said application on the ground that, at the behest of the present applicant, the other

co-accused entered into the office of the complainant, in view of that, custodial interrogation is required.

5. After hearing learned counsel for the applicant and learned APP as well as counsel for the complainant, perused the investigation papers, from which it reveals that, though it is alleged by the investigating agency at the behest of the present applicant, the other co-accused entered into the office of the complainant, but the statements recorded during the investigation nowhere reveals the active role of the present applicant. In view of that, his custodial interrogation is not required, and therefore, the interim protection granted to the present applicant deserves to be confirmed by imposing similar conditions. Accordingly, I proceed to pass the following order:.

ORDER

- a] The ad-interim protection granted to the present applicant by order dated 03/07/2024 is hereby confirmed.

The criminal application stands disposed of.

[URMILA JOSHI-PHALKE, J.]