



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

CRIMINAL APPLICATION (ABA) NO. 545 OF 2023

Aatish Shankar Padghan and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station Shirpur (Jain)
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. S. D. Chande, Advocate for applicant.
Mrs. M. A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/01/2024

1. By this application, the applicants are seeking pre-arrest bail in the event of their arrest in connection with Crime No.196/2023 registered with Police Station, Shirpur (Jain), District Washim for the offences punishable under Sections 307, 392, 354, 384, 385, 294, 323 read with Section 34 of the Indian Penal Code
2. The accusation against the present applicants is on the basis of report lodged by the informant, on an allegation that due to the previous quarrel between her family members and the present applicants. On 18/06/2023, at about 7.30 p.m, present applicants came to her house and abused her in filthy language and outraged her modesty. It is further alleged that applicant No.2 along with the co-accused also came there and poured the petrol on her person and attempted to set her

on fire. On the basis of said report, the Police have registered the crime.

3. Learned Counsel Mr. Chande for the applicants submitted that due to the previous enmity, this false FIR is lodged. The co-accused has also lodged the report against the informant and other family members and to give counterblast to the said report, this false report is lodged.

4. He further submitted that in the cross-FIR, the applicants are already protected by granting ad-interim protection. Similar allegations are made in the present FIR. As far as the custodial interrogation is concerned, the applicants have attended the Police Station and cooperated with the investigating agency. Considering the allegation, now nothing is to be recovered from the present applicants. The investigation is practically completed, as relevant statements are already recorded by the Investigating Officer.

5. Per contra, learned APP strongly opposed the application on the ground that custodial interrogation is required. Considering the nature of the offence and prays for rejection of the application.

6. After going through the recitals of the FIR, it reveals that there was a previous dispute between the parties. The counter-FIR are filed. The applicants in the counter-FIR are protected by granting ad-interim protection. As far as the genuineness of the allegations are concerned and on perusal of the FIR it reveals that,

nothing is to be recovered from the present applicants. After the interim protection is granted, the applicants have cooperated with the investigating agency, and relevant statements are already recorded. In view of that, interim protection granted in favour of the applicants deserves to be confirmed. Accordingly, I pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of their arrest, the applicants **(1) Aatish Shankar Padghan and (2) Indubai Shankar Padghan** are released on anticipatory bail in Crime No. 196/2023 registered with Police Station Shirpur (Jain), District Washim for the offences punishable under Sections 307, 392, 354, 384, 385, 294, 323 read with Section 34 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

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

(iv) The applicants shall not induce, threat or promise any witnesses who are connected with the alleged crime.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)