



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.611 OF 2024
(Santosh Motiram Maghade and others 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. J.A. Malnas, Advocate for the applicant.
Mr. A.J. Gohokar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 10, 2024

Apprehending the arrest at the hands of police, in connection with Crime No.47/2023 registered with Arni Police Station, Taluka Arni, District Yavatmal for the offence punishable under sections 307, 323, 325, 324, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. The allegation against the present applicants is on the basis of report lodged by Himmat Sakharam Ingle on an allegation that on 27/01/2023 at about 8.30 a.m., while the complainant has resumed the construction work at Qayyum Sheikh and returned back at 6.00 p.m., at that time, one person informed him that his relatives were being beaten by the co-accused - Gopal Maghade, by means of sticks. Therefore, he immediately rushed towards the spot. It is further alleged that all the other accused also assaulted him as well as the other relatives, in which his relatives have sustained injuries. On the basis

of said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that, as far as the role of the present applicants is concerned, general allegations is made against them. Now, entire weapons are recovered. The applicants have attended the police station after they are protected by granting anticipatory bail. In view of that, the interim protection granted to the applicants deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that several prosecution witnesses have sustained injuries in the said incident. The applicants came to the spot along with the weapons in their hands and assaulted the injured persons, wherein the injured have sustained grievous injuries. The custodial interrogation of the present applicants is required.

5. After hearing learned Counsel for the applicants and learned APP for the State, perused the recitals of the FIR as well as the charge-sheet, from which it reveals that as the co-accused is already arrested and at his instance, the incriminating weapons are already recovered. As far as present applicants are concerned their custodial interrogation is not required as entire weapons are already recovered. It further appears that cross-complaints are filed against each other regarding the

said incident. Thus, it reveals that in a free fight both party members have sustained the injuries. Considering the investigation is completed and charge-sheet is already filed, the custodial interrogation of the present applicants is not required. In view of that, the interim protection granted to the applicants deserves to be confirmed.

6. Hence, the application is allowed. The interim protection granted to the applicants vide order dated 22/08/2024 is hereby confirmed on the same terms and conditions.

7. The applicants shall attend the concerned police station once in a week on Sunday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)