



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

CRIMINAL APPLICATION (ABA) NO. 641 OF 2024

Kishor @ Keshav Maroti Gohokar 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. U.R. Phasate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/09/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.543/2024 registered with Police Station, Wani, District Yavatmal for the offence punishable under Sections 323, 341, 353, 504 and 506 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of a report lodged by Bholeshwar Narayan Tarachand, who was serving as a health worker in the Health Department of the Nagar Parishad, Wani. As per the allegation, when he was doing his work of cleaning and sweeping, at the relevant time, he asked the present applicant to remove the sand and construction material which was on the road. At that time, the present applicant behaved with him arrogantly, and there was an altercation of the words. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel Mr. Sirpurkar for the applicant submitted that as far as the allegations are concerned, even if they are taken as it is, the custodial interrogation of the present applicant is not required. After he is protected by granting ad-interim protection, he has cooperated with the investigating agency. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. The learned APP strongly opposed the said application and submitted that the applicant has not cooperated with the investigating agency, in view of that, the prayer for grant of ad-interim protection deserves to be rejected.

5. After hearing the learned counsel for the applicant and the learned APP, perused the recitals of the FIR, from which it reveals that the allegation is only to the extent of the exchange of words between themselves. As far as manhandling is concerned, it is alleged by the informant, but no weapon is used by the present applicant, so it appears that there was a sudden quarrel between them on trifle reasons. As far as the custodial interrogation of the present applicant is concerned, which is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a. The interim protection granted to the present applicant dated 06/09/2024 is hereby confirmed.

- b. The applicant shall attend the concerned Police Station as and when required and shall cooperate with the investigating agency.
- c. The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]