



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

CRIMINAL APPLICATION (ABA) NO. 704 OF 2024

Manindarsingh s/o Nirmalsingh Makkad
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Desaiganj, District Gadchiroli

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rajnish Vyas, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/10/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.263/2024 registered with Police Station, Desaiganj, District Gadchiroli for the offence punishable under Sections 109, 3(5), 115(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Sifanuddin Sarfuddin Sayyed on an allegation that when he along with his friend Shankar Nandanwar was standing at Lakhandur T-Point, at that time, the co-accused Manish came on his motorcycle and drove the motorcycle towards the person of Shankar. On that count, there was a dispute between them, and the co-accused assaulted him as well as his friend and attempted to commit his

murder. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that, as far as the present applicant is concerned, the only allegation against him is that he has induced the other co-accused to assault the informant and his friends, and thereafter the co-accused picked up the bricks and assaulted him by means of those bricks. After he was protected by granting ad-interim protection, he has cooperated with the investigating agency, and the custodial interrogation of the present applicant is not required. He has also handed over the vehicle in the custody of the Investigating Officer. In view of that, the ad-interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that, though the vehicle is handed over, but the papers of the vehicle are not handed over, and for that purpose custodial interrogation is required.

5. After hearing the learned Counsel for the applicant and learned APP for the State, on perusal of the recitals of the FIR and the investigation papers, the limited role is attributed to the present applicant as to the inducement. Considering the same, his custodial interrogation is not required. As far as the

objection raised by learned APP is concerned, which can be taken care of by imposing certain conditions on the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

a] The application is allowed.

b] In the event of his arrest, in connection with Crime No.263/2024 registered with Police Station Desaiganj, District Gadchiroli for the offence punishable under Sections 109, 3(5), 115(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant - **Manindarsingh s/o Nirmalsingh Makkad** shall be released on anticipatory bail, on executing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount.

c] The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m., till filing of the charge-sheet and shall hand over the vehicle papers and shall cooperate with the investigation agency.

d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)