



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

CRIMINAL APPLICATION (ABA) NO.732 OF 2024

Parvez s/o Ishak Balapure
Vs.

State of Maharashtra, Through its Police Station In-charge/Police Station
Officer, Police Station, Sitaburdi, District Nagpur

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

Court's or Judge's orders

Mr. R. J. Mirza, Counsel for the applicant.
Ms. Kavita Bhongde, 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.966/2024 registered with Police Station, Sitaburdi, District Nagpur for the offences punishable under Sections 296, 3(5), 309(6) 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 report lodged by Hitesh Shankarrao Bharadkar on an allegation that the informant had been to Nagpur to attend Ganpati immersion on 18.09.2024. After attending the said, he was proceeding towards the Traffic Park, Dharampeth, along with his friend Abhilash at about 10.00 p.m. Both of them have stopped their vehicle at the back side of the Traffic Park for attending the nature's call. At the relevant

time, the applicant and his associate reached there and abused the informant and his friend, in a filthy language. Thereafter, the applicant and his associate have started beating the informant and his friend by means of fist blows. The applicant has disclosed his identity to the informant being Policewala and the co-accused as to his associate. The informant was fallen down due to which, the amount of Rs.4,000/- was dropped there, and said amount was taken by the present applicant as well as the present applicant has snatched golden chain worth Rs.80,000/- from the person of the informant. The applicant has also lifted a stone to hit on the head of the informant. On the basis of the said report, the police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant. He submitted that with false and baseless allegation the above said crime is registered against the present applicant. The informant and his friend got angry as they were inquired, why they had stopped at the Park for the urinal purpose and by annoying with this, they have filed this false report, after two days of the incident. He submitted that as far as the custodial interrogation of the present applicant is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and invited my attention towards the

investigation papers and submitted that the allegation against the present applicant that the informant was slapped and he has sustained the injury is substantiated by the medical certificate. It is submitted that merely because the informant and his friend were there for urinating is not sufficient reason to assault him. She submitted that, considering that for the trifle reason, the informant was assaulted and abused, the application deserves to be rejected. She further submitted that as far as the allegation of false FIR is concerned, there is no previous enmity between the present applicant and the informant and there was no previous acquaintance also, so there is no reason to implicate the present applicant falsely in the alleged offence. In view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and the learned APP for the State, perused the recitals of the FIR as well as investigation papers from which the involvement of the present applicant is revealed. The allegation is that the present applicant has also obtained Rs.4,000/- and the golden chain from the informant, so for the recovery of the said articles, the custodial interrogation of the present applicant is required. Moreover, considering the fact that they were not acquainted with each other, and therefore, at this stage, there is no reason for the informant to implicate the present applicant

falsely. Considering the allegation against the present applicant that he has not only assaulted the informant and his friend, but snatched the amount and also slapped him, due to which the informant has sustained the injuries. Mere custodial interrogation is not required and is not sufficient to protect the present applicant with the alleged offence. For no reason the informant and his friend were assaulted is to be taken into consideration. In view of that the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)