



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

CRIMINAL APPLICATION (ABA) NO. 684/2023

Subhash Lalchand Motwani and others V/s 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. C.R. Pandey, counsel for applicants

Mr. A.G.Mate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/01/2024.

1. By preferring this application, applicants are seeking pre-arrest bail, in the event of their arrest, in connection with Crime 448/2023 registered with Police Station Bramhapuri, District Chandrapur for the offences punishable under Sections 143, 147, 294, 325, 324, 504, 506 read with Section 149 of the Indian Penal Code, 1860.

2. The applicants are apprehending arrest at the hands of the Police, as crime is registered on the basis of the report lodged by Pawan Dilip Motwani alleging that on 29/08/2023 at about 2.30 hours when he was sitting in the shop, all the applicants came to his shop, during the altercation there was scuffle between them, and assaulted by all the applicants, the applicants also assaulted the other prosecution witnesses. On the

basis of said report, Police have registered the Crime against the present applicants.

3. Mr. C.R. Pandey, learned counsel for the applicants submitted that in fact on 29/8/2023, the applicants were assaulted the informant and his family members with stick and rod due to the property dispute and therefore, the applicant No.1 has lodged the report. To give a counter-blast to the said report, this false report is lodged against the present applicants. As far as the custodial interrogation is concerned, which is not required. The investigation is practically completed. In view of that, interim protection granted to the present applicant be confirmed.

4. The said application is strongly opposed by the State on the ground that the applicants have assaulted the informant and other prosecution witnesses by means of iron rod and therefore, custodial interrogation of the present applicants is required and prays for rejection of the application. Though the learned APP strongly objected the application, however, he fairly admitted that investigation is almost completed.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of

the FIR. The Crime No. 448/2023 is registered on 08/9/2023 and the another Crime No. 424/2023 is registered on 29/08/2023, the crime is registered on the basis of Pawan Dilip Motwani. Thus, it is apparent that after inordinate delay, the Crime No. 448/2023 is registered, which is sufficient to show that the present crime is registered after five days of the said incident, and there is no explanation by the informant to the said delay.

6. Moreover, considering the investigation is almost completed and custodial interrogation of the present applicant is not required. In view of that, interim relief granted in favour of the present applicants deserves to be confirmed by imposing certain conditions. Accordingly, I pass the following order.

- a. The criminal application is **allowed**.
- b. In the event of their arrest, in connection with Crime No. 448/2023 registered with Police Station Bramhapuri, District Chandrapur, under Sections 143, 147, 294, 325, 324, 504, 506 read with Section 149 of the Indian Penal Code, 1860, the applicants namely (1) Subhash Lalchand Motwani, (2) Vinod Lalchand Motwani, (3) Lalchand

Jethamal Motwani, (4) Wasudev Vinod Motwani and (5) Jivesh Vinod Motwani are released on bail on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.

- c. The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate in the investigation.
- d. The applicants shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.

[URMILA JOSHI-PHALKE, J]