



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

CRIMINAL APPLICATION (ABA) NO.782 OF 2024

(Golu @ Rajendra s/o Sapan Mandal 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. R.R. Vyas, Advocate for the applicant.
Mr. H.D. Dubey, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 29, 2024

Apprehending the arrest at the hands of police in connection with Crime No.272/2024 registered with Police Station Chamorshi, District Gadchiroli for the offences punishable under Sections 109, 132 and 281 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the allegation against the present applicant is that when the informant and other police officials were discharging their duty, present applicant has driven the car on their persons with intent to cause their death. At the relevant time, the applicant was transporting the illicit liquor. On the basis of the said report, police have registered the crime against the present applicant. He invited my attention towards one application filed by the present applicant which shows that in the present crime, he was protected by the Sessions Judge by granting

ad-interim protection and he had been to the personal tour and when he returned back, he was unnecessarily detained by the police as well he was assaulted by the police, and therefore, he made a complaint and to give the counterblast this complaint, this false FIR is lodged against him. He submitted as far as the custodial interrogation is concerned, which is not required as the contraband articles are already seized. In view of that, the applicant be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that in the said incident the police officials has sustained the injuries. Moreover, there are criminal antecedents against the present applicant of a similar nature. If he released on bail he would involve himself in similar type of the offences. In view of that, the application deserves to be rejected.

4. After hearing both the sides and on perusal of the investigation papers it reveals that the involvement of the present applicant is admittedly there in a similar type of the offences. As far as the facts of the present case are concerned which shows that the applicant allegedly transporting the illicit liquor and when his vehicle was intercepted he has driven the said vehicle in a rash and negligent manner and caused injuries to the police officials. On perusal of the investigation papers it reveals that the police officials has sustained a very simple injuries

i.e. abrasion over left forearm and abrasion over left foot. These injuries are to be appreciated in the light of the allegation of the informant that when the applicant has driven his car in a rash and negligent manner to save himself he jumped and at the relevant time he has sustained the injuries. At this stage, considering the complaint or the allegation raised by the present applicant against the police officials, the medical certificate and the statements of the witnesses and most important factor that whether the custodial interrogation of the present applicant is required or not. On giving the considerations on these aspects it reveals that the applicant has made out a case for grant of anticipatory bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Golu @ Rajendra s/o Sapan Mandal in connection with Crime No.272/2024 registered with Police Station Chamorshi, District Gadchiroli for the offences punishable under Sections 109, 132 and 281 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall not indulge himself in criminal activities of the similar nature.

5. The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*