



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

CRIMINAL APPLICATION (ABA) NO.789 OF 2023
(Sanghpal s/o Samadhan Bhojne 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

Ms R. Gajbhiye, Advocate h/f Mr. M.V. Rai, Advocate for the applicant.
Mr. N.H. Joshi, APP for the non-applicant/State.

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

Heard.

2. By this application, the applicant is seeking pre-arrest bail in the event of his arrest in connection with Crime No.401/2023 registered with Police Station Khamgaon (Rural) District Buldhana for the offences punishable under Sections 143, 146, 147, 148, 325, 322, 353, 427 read with Section 149 of the Indian Penal Code, 1860 along with Section 135 of the Maharashtra Police Act and under Section 7 of the Criminal Amendment Act, 1932.

3. Learned Counsel for the applicant submitted that the applicant is apprehending arrest at the hands of Police as accusation against the present applicant is that two groups of two different communities gathered together and there was a scuffle between them. In that scuffle, they have pelted stones towards each other, and the Police Constables who were of Bandobast Duty,

sustained the injuries and one of the witness has sustained the fracture injury. On the basis of said report, police have registered the crime against the present applicant. As far as the present applicant is concerned, there is no allegation that he pelted the stones. The allegation only against the present applicant is that he has induced his community people and the said incident has taken place. The custodial interrogation of the present applicant is not required, as nothing is to be recovered from him and prays for confirming of the anticipatory bail granted in his favour.

4. Learned Additional Public Prosecutor strongly opposed the present application on the ground that 5 to 6 Police Constables have sustained the injuries in the said incident. The present applicant is one of the instigator in the alleged incident and there are criminal antecedent against him and prays for rejection of the application.

5. Having heard learned counsel for the parties. Perused the recitals of the FIR. The only allegation appears to be levelled against the present applicant is that he has instigated the other co-accused. Merely because some offences are registered against him, his liberty cannot be curtailed. Considering the allegation, which is only to the extent of instigation, the ad-interim protection granted in his favour deserves to be confirmed. Accordingly, I proceed to pass following order:

(i) In the event of his arrest, the applicant - Sanghpal s/o Samadhan Bhojne in connection with Crime No.401/2023 registered with Police Station Khamgaon (Rural) District Buldhana for the offences punishable under Sections 143, 146, 147, 148, 325, 322, 353, 427 read with Section 149 of the Indian Penal Code, 1860 along with Section 135 of the Maharashtra Police Act and under Section 7 of the Criminal Amendment Act, 1932, be released on anticipatory bail on furnishing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iii) The applicant shall furnish his cell phone number and address with address proof.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)