



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

CRIMINAL APPLICATION (ABA) NO. 814/2023

Adarsh Sunil Gajbhiye 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. A.S.Manohar, counsel for the applicant.

Mrs. M.A.Barbde, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/02/2024.

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No. 363/2023 registered with Police Station, Ramnagar, Gondia, District Gondia for the offences punishable under Sections 143, 147, 148, 326, 324 read with Section 149 of the Indian Penal Code, 1860.

2. The apprehension of the present applicant is on the basis of report lodged by one Adarsh @ Babu Babulal Bhagat alleging that there were disputes between one Sanket Borkar and Prajwal Meshram who are the cousin brother of the present applicant. The said dispute is on account of Prajwal Meshram is having a relationship with the sister of Sanket Borkar. On this count, in the intervening night between 26/11/2023 and 27/11/2023 at about 2.00 a.m. Sanket Borkar and Adarsh Bhagat came to the house of the present applicant where Prajwal Meshram was also present at that time, the scuffle took place between them. As per the

allegations, the co-accused Sanket Borkar repeatedly gave blow of a knife on the person of the Prajwal Meshram. As far as the present applicant is concerned, it is alleged that he intervened in the quarrel and during that, he has assaulted the informant by means of a wooden log on his right hand and left leg.

3. Learned counsel for the applicant submitted that the wooden log is already recovered by the investigating agency. Now, the custodial interrogation of the present applicant is not required. He has already cooperated with the investigating agency. In view of that, interim protection granted to him deserves to be confirmed.

4. Learned APP strongly opposed the present application on the ground that there are criminal antecedents against the present applicant. However, she fairly submitted that the applicant has attended the Police Station and cooperated with the investigating agency.

5. After hearing both the sides and after going through the investigation papers, it reveals that the incriminating article i.e. wooden log is already recovered at the instance of the co-accused. The interrogation purpose is also fulfilled, as the applicant has attended the concerned Police Station. Considering the role of the present applicant, his custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is **allowed**.
- b) In the event of arrest, in connection with Crime No. 363/2023, registered with Police Station Ramnagar Gondia, District Gondia, for the offences punishable under Sections 143, 147, 148, 326, 324 read with Section 149 of the Indian Penal Code, 1860, the applicant – **Adarsh Sunil Gajbhiye** be released on ad-interim anticipatory bail on executing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]