



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

CRIMINAL APPLICATION (ABA) NO.817 OF 2023

Jagannath s/o Tulsiram Yelake and another
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Pombhurna, District Chandrapur

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

Court's or Judge's orders

Mr. N. R. Jadhav, Advocate for applicants.
Mr. V. A. Thakare, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2024

1. Apprehending arrest at the hands of police, the applicants are seeking pre-arrest bail in connection with Crime No.134 of 2023, registered under Sections 143, 144, 147, 148, 307, 329, 353 and 506 read with Section 149 of the Indian Penal Code, 1860 and under Section 135 of the Maharashtra Police Act, 1951.

2. The accusation against the present applicant is on the basis of report lodged by Sandip Vilas Chalkh on an allegation that on 20.10.2023, he was at bandobast duty as per the directions of the Superior and the people from the Gondwana Community were agitating for demand. The present applicants were insisting the agitators to enter into the forest office and therefore, the agitators proceeded ahead and caused the damage to the office. It is further alleged that when the informant

has attempted to restrict them, the present applicants assaulted him, torn his clothes and also attempted to press his neck. On the basis of alleged report, the Police have registered the crime.

3. Learned Counsel for applicants submitted that as per the allegation some people alleged to have assaulted the informant. As far as the present applicants are concerned, allegation against them that they have assaulted and allegedly pressed the neck of the informant. Admittedly, no weapon alleged to be used by the present applicants, therefore, custodial interrogation is not required.

5. Learned APP strongly opposed the application on the ground that considering the serious allegation of pressing the neck of the informant, the entire prayer for grant of anticipatory bail deserves to be rejected.

6. Having heard the learned counsel for applicants and learned APP for the State, perused the investigation papers also witnessed video clip of the said incident. On perusal of the investigation papers, it reveals it was the entire community who gathered together for agitation for their demands. As far as the allegations are concerned, which are against the present applicant and another co-accused that they have assaulted the informant. Regarding the allegation of pressing of the neck, general allegation

is made in the FIR. Considering the same, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.134 of 2023, registered with Police Station, Pombhurna, District Chandrapur for the offence punishable under Sections 143, 144, 147, 148, 307, 329, 353 and 506 read with Section 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, the applicants namely **Jagannath Tulsiram Yelake and Shrihari Ramchandra Siddam** be released on anticipatory bail on executing of P.R. Bond in the sum of Rs.25,000/- each with one solvent surety of the like amount.

(iii) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(URMILA JOSHI-PHALKE, J.)