



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

CRIMINAL APPLICATION (ABA) NO. 01/2024

Ramdas s/o Kisan Kathole 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. PK. Mohta, counsel for applicants

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/01/2024.

1. Heard.
2. By this application, the applicants are seeking pre-arrest bail in the event of their arrest in connection with Crime No. 0331/2023 registered with Police Station Janefal, Tq. Mehkar, District Buldhana for the offences punishable under Sections 143, 147, 148, 326, 324, 504, 506 read with Section 149 of the Indian Penal Code, 1860.
3. The applicants are apprehending arrest at the hands of the Police as the crime is registered on the basis of the report lodged by Mirabai Devidas Utpure, on an allegation that she and the present applicants are residents of the same village and residing in the neighborhood. As per her allegation, applicants and other family members of applicants were insisting to leave the house and therefore, they were harassing

them. On 08/11/2023, all the applicants came to their house and other co-accused assaulted them by means of an iron rod and axe, whereas the present applicants pulled the hair of her husband, pushed him, and also assaulted him with fist blows. On the basis of said report, the Police have registered the crime.

4. The learned counsel for the applicant submitted that applicant No.1 is suffering from 40% permanent disability. The allegation against the present applicant No.1 is baseless. Due to the disability, he is unable to do such type of the act, whereas applicant No.2 is a lady. There are general allegations made against them. As far as the custodial interrogation is concerned, it is not alleged that they have used any weapon. In view of that, they shall be protected by granting ad-interim protection.

5. The learned APP strongly opposed the present application on the ground that all the applicants in furtherance of their common object came at the spot by holding the weapon in their hands and caused injuries to the husband of the informant as well as other family members. Considering the allegation, custodial interrogation is required, and prays for rejection of the interim prayer.

6. After hearing learned counsel for the applicant and learned APP for the State. On perusal of the recitals of the FIR, it reveals that the general allegations are made against the present applicants that they have pulled the hair of the husband of the informant, pushed him, and assaulted him with fist blows.

7. Moreover, considering the allegations, admittedly no weapon is assigned to them, their immediate custodial interrogation is not required. Applicant No.1 is a disabled person. The disability certificate is on record. Considering the same, the applicants can be protected by granting ad-interim protection. Accordingly, I pass the following order:

- a. In the event of their arrest in connection with Crime No. 0331/2023 registered with Police Station Janefal, Tq. Mehkar, District Buldhana for the offences punishable under Sections 143, 147, 148, 326, 324, 504, 506 read with Section 149 of the Indian Penal Code, 1860, applicants namely (1) Ramdas Kisan Kathole (2) Sau. Kamal w/o Ramdas Kathole are released on interim anticipatory bail on furnishing PR. bond in the sum of

Rs.25,000/- each with one solvent surety in the like amount.

- b. The applicants shall attend the concerned police station as and when required for the investigation purpose and shall cooperate in the investigation.
- c. The applicants shall furnish their cell phone numbers and address with the address proof.
- d. The applicants shall not induce threat or promise to any witnesses, who are acquainted with the facts of the present case.
- e. Mrs. M.A.Barbde, learned APP waives service of notice on behalf of non-applicant/state and seeks time to file reply.
- f. Stand over after **two weeks**.

[URMILA JOSHI-PHALKE, J]