



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

CRIMINAL APPLICATION (ABA) NO. 1 OF 2024

RAMDAS S/O KISAN KATHOLE AND ANOTHER
Vrs.
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

Shri H. S. Chawhan, Advocate for applicants.
Ms. M. A. Barabde, A. P. P. for Non-applicant-State.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 19/01/2024.

1. By this application, the applicants are seeking pre-arrest bail in the event of their arrest, in connection with Crime No.331/2023 registered at Janefal Police Station, Tq. Mehkar, District Buldhana for the offences punishable under Sections 143, 147, 148, 326, 324, 504 and 506 r/w Section 149 of the Indian Penal Code.

2. The applicants are apprehending the arrest at the hands of police as the crime is registered on the basis of report lodged by Sau. Mirabai Devidas Utpure alleging that she and present applicants are residents of the said village and neighbours. The applicants and other family members of the applicants were insisting to vacate the house and they were harassed at the hands of the present applicants. On 08/11/2023, both applicants along with co-accused came to her house and assaulted them by means of iron rod and axe and present applicants pulled

her husband and pushed him and also, assaulted with fist blows. On the basis of report, police have registered crime.

3. Shri Chawhan, learned counsel for the applicants submitted that applicant No.1 is suffering from 40 % permanent disability. The allegation against him is baseless. Due to disability, he is unable to do such type of acts whereas applicant No.2 is a lady. There are general allegations made against them. Their custodial interrogation is not required as no overtact by alleging an assault by any weapon is against them.

4. Learned APP strongly opposed the application on the ground that in furtherance of the common object, the informant and her family members were assaulted. The custodial interrogation of the applicants is required and prays for rejection of the application.

5. Considering the allegations, the investigation papers and the submissions made by both the sides. Admittedly, the general allegations are made against the applicants. The present applicant No.1 is a disable person. The Disability Certificate is placed on record. Considering the role attributed to the present applicants and general allegations made against them, interim protection granted to the applicants deserves to be confirmed. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is allowed.

ii] The interim protection granted to the present applicants by observing that in the event of arrest, the applicants are released on ad-anticipatory bail on executing P. R. Bond of Rs.25,000/- is hereby confirmed.

iii] The applicants shall attend the concerned police station as and when required for the investigation purpose and shall co-operate the investigation agency.

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

v] The application is disposed of.

[URMILA JOSHI-PHALKE, J.]