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3.aba.27.2024

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

CRIMINAL APPLICATION (ABA) NO.27 OF 2024

Daulat s/o Kisan Narote and another

Vs.

State of Maharashtra, Through Superintendent of Police Buldhana and another

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

Court's or Judge's orders

Mr. V. S. Wakale, Advocate h/f Mr. C. R. Kulkarni, Advocate for applicants.
Mrs. M. A. Barabde, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/01/2024

1. By preferring this application, the applicants are seeking pre-arrest bail in connection with Crime No.356/2023 registered with Police Station, Dhad, District Buldhana for the offences punishable under Sections 143, 144, 147, 148, 307, 324 and 506 read with Section 149 of the Indian Penal Code.

2. The applicants are apprehending arrest at the hands of police as accusation is made against the applicants on the basis of report lodged by Sandip Uttam Narote, on an allegation that due to the previous dispute he as well as his family members are assaulted by the present applicants as well as other co-accused. The cross complaints are registered against each other. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicants who appears through video conferencing submitted that as far

as present applicants are concerned, general allegation is made against them. Their immediate custodial interrogation is not required and hence, they be protected by granting ad-interim protection.

4. Learned APP strongly opposed the application on the ground that the applicants and other co-accused came at the spot with a common object by forming unlawful assembly and holding weapons in their hands. The informant as well as other prosecution witnesses have sustained injury in the alleged incident. There are cross complaints registered against each other. Their custodial interrogation is required and hence, prayer for interim protection deserves to be rejected.

5. Having heard learned Counsel for the applicants and learned APP for the State. Perused the FIR lodged by the informant as well as FIR lodged against the informant, it reveals that, due to the scuffle in the parties the witnesses as well as the informant sustained the injuries. Cross complaints are registered against each other. As far as the present applicants are concerned, general allegations are made against them that they have assaulted by means of stick. At this stage, immediate custodial interrogation of the present applicants is not required. In view of that, they can be protected by granting ad-interim protection. Accordingly, I proceed to pass following order.

ORDER

(i) In the event of arrest in connection with Crime No.356/2023 registered with Police

Station, Dhad, District Buldhana for the offences punishable under Sections 143, 144, 147, 148, 307, 324 and 506 read with Section 149 of the Indian Penal Code, the applicant **(1) Daulat s/o Kisan Narote and No.(2) Nitesh s/o Daulat Narote** be released on ad-interim anticipatory bail on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(ii) The applicants shall attend Police Station once in a week on Sunday between 10.00 a.m. to 1.00 pm. and shall cooperate with the investigating agency.

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

Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)