



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

CRIMINAL APPLICATION (ABA) NO.669 OF 2024

Kusum Kisan Patharikar
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Telhara, District Akola

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

Court's or Judge's orders

Mr. Utkarsha Hingmire, Counsel h/f Mr. S. V. Sirpurkar, Counsel for the
applicant.

Mrs. Kavita Bhondge, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/10/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.241/2024 registered with Police Station, Telhara, Taluka Telhara, District Akola for the offences punishable under Sections 109(1), 352, 351(3), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of a report lodged by Dadarao Shankar Patharikar on an allegation that on 13/08/2024, due to the quarrel, the present applicant abused and slapped his son as well as the other co-accused gave a blow of knife and axe on the person of the injured. On the basis of the said report, police have registered the crime. He

submitted that, as far as the present applicant is concerned, only allegation against her is that she has abused and assaulted the injured by means of slap and fist blow. Thus, considering her role, the custodial interrogation is not required. In view of that, the ad-interim protection granted to her deserves to be confirmed.

3. The learned APP strongly opposed the said application on the ground that till some of the statements of the witnesses are to be recorded, the custodial interrogation of the present applicant is required. In view of that, the application for grant of anticipatory deserves to be rejected.

4. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that only role attributed to the present applicant is to the extent of abuses and the assault by slaps and the fist blows. Thus, considering the role attributed to her, 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:

ORDER

(i) The application is allowed.

(ii) In the event of her arrest, in connection with Crime No.241/2024

registered with Police Station Telhara, Taluka Telhara, District Akola for the offences punishable under Sections 109(1), 352, 351(3), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant – **Kusum Kisan Patharikar** shall be released on anticipatory bail on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

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

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)