



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

CRIMINAL APPLICATION (ABA) NO. 705 OF 2024

Anant s/o Ajabrao Mankar and others Vs 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. A.S. Mardikar, Senior Counsel with Mr. VR. Deshpande, counsel
for the applicants.

Mr. Bissa, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 231/2024 registered with Police Station Pimpalgaon Raja, District Buldhana for the offence punishable under Sections 109(1), 115(2), 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Sagar Murlidhar Mankar alleging that on 12/09/2024, he had been to City Center Hospital, Akola, for the treatment of his cousin Dilip Baliram Mankar, and when they were returning back 13/09/2024, they were restrained by the present applicants, and applicant No. 2 and applicant No. 3 sat on his person, and applicant No. 1 has administered him some stupefying substance, and he was also assaulted by all the applicants. On the basis of said report, police have registered the crime.

3. The learned Senior Counsel for the applicants submitted that, as far as the allegations are concerned, from which it reveals that baseless and false allegations are levelled against the applicants due to the political rivalry. As far as the custodial interrogation is concerned, which is not required, as nothing is to be recovered from the present applicants. In view of that, they be protected by granting ad-interim protection.

4. Learned APP strongly opposed the said application and submitted that in furtherance of the common intention, all the applicants have assaulted the informant, and applicant No. 1 has administered some stupefying substance, and therefore, prayer for grant of ad-interim protection deserves to be rejected.

5. After hearing learned Senior Counsel as well as learned APP for the State, perused the recitals of the FIR, from which it reveals that general allegations are made against all the applicants as far as the assault is concerned. Considering that specific allegations is made against applicant No. 1 that he has administered him some stupefying substance. The prima facie case is against the applicant No. 1, but there are general allegations against the applicants No. 2, 3, and 4, therefore their prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order;

- a] In the event of arrest, in connection with
Crime No. 231/2024 registered with Police

Station Pimpalgaon Raja, District Buldhana for the offence punishable under Sections 109(1), 115(2), 126(2) and 3(5) of the Bhartiya Nagrik Suraksha Sanhita, 2023, the applicant Nos. (2) Amol Ajabrao Mankar, (3) Shiva @ Shivaji s/o Mahadeo Mankar and (4) Santosh @ Pravin s/o Mahadeo Mankar shall be released on ad-interim anticipatory bail, on executing PR. Bond of Rs. 25,000/- each with one solvent surety in the like amount.

- b] The applicant Nos. 2 to 4 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigation agency.
- c] The applicant Nos. 2 to 4 shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The prayer for applicant No.1 for grant of ad-interim protection is here by **rejected**.
- f] Learned APP waives service of notice on behalf of non-applicant/State and seeks time to file reply.

7. Stand over after one week.

[URMILA JOSHI-PHALKE, J.]