



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

CRIMINAL APPLICATION (ABA) No.705 OF 2024

(Anant Ajabrao Mankar and others Vs. State of Maharashtra, through PSO, PS
Pimpalgaon Raja, Distt. Buldhana)

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

Court's or Judge's orders.

Mr. Anil Mardikar, Senior Advocate for applicants.
Mr. S.V. Narale, APP for respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 19th OCTOBER, 2024.

1. In the order dated 8.10.2024 inadvertently, while dictating the operative portion it is wrongly mentioned in clause (b) of the operative portion, applicant Nos.2 to 4 shall attend the concerned Police Station instead of that it should be applicant Nos.1 to 3 shall attend the concerned Police Station.

2. The clause (c) of the operative portion shall be corrected as applicant Nos.1 to 3 shall not induce, threat or promise any witnesses, who are acquainted with the facts of the present case.

3. In Clause (d) it is to be corrected as applicant No.4, the prayer of applicant No.4 for grant of ad-interim protection is hereby rejected.

4. The order dated 8.10.2024 be corrected and uploaded.

5. 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 offences

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.

6. Learned Senior Counsel for the applicants submitted that as far as the applicant No.4-Santosh @ Pravin Mahadeo Mankar is concerned he is withdrawing the application.

7. The crime is registered on the basis of report lodged by Sagar Murlidhar Mankar alleging that on 12.9.2024 he had been to City Center Hospital, Akola for the treatment of his cousin Dilip Baliram Mankar and when they were returning back on 13.9.2024 they were restrained by the present applicants and the applicant No.2, namely, Amol Ajabrao Mankar and applicant No.3-Shiva @ Shivaji Manadeo Mankar sat on his person and applicant No.1 has administered him some stupefying substance it should be applicant No.4. The applicant No.4 has administered him some stupefying substance and he was assaulted by all the applicants. On the basis of said report, Police have registered the crime.

8. The learned Senior counsel for the applicants submitted that as far as allegations are concerned which reveals that baseless and false allegations are levelled against the applicants due to political rivalry. He pointed out that if four persons have assaulted the injured, definitely he would have sustained some injuries. He has not sustained a single injury. Considering the facts, it reveals that it is a false and baseless allegations levelled against the present applicants. As far as custodial interrogation is concerned, which is not required as nothing is to be recovered from them, and therefore, they be protected by granting anticipatory bail.

9. Learned A.P.P. strongly opposed the application and submitted that the Medical Officer has advised the injured to take a treatment in a private hospital. The samples are obtained and they are already forwarded to the chemical analysis. The chemical analysis report is yet to be received. The custodial interrogation of the applicant No.4 is required against whom the allegations are levelled of administering the stupefying substance. Therefore, the application deserves to be rejected.

10. After hearing learned Senior Counsel as well as learned A.P.P. for the State as far as applicant No.4 is concerned, his application is already withdrawn by the learned Senior Counsel. The applicant Nos.1 to 3 are concerned, general allegations are made against them. Moreover, their custodial interrogation is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.231/2024, registered with Police Station Pimpalgaon Raja, District Buldhana for the offences punishable under Sections 109(1), 115(2), 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 the applicants, namely, (1) Anant s/o. Ajabrao Mankar, (2) Amol s/o. Ajabrao Mankar and (3) Shiva @ Shivaji s/o. Mahadeo Mankar shall be released on anticipatory bail on executing PR Bond of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicant Nos.1 to 3 shall attend the concerned Police Station as and when required for the

investigation purpose and shall co-operate with the Investigating Agency.

(iv) The applicant Nos.1 to 3 shall not induce, threat or promise any witnesses, who are acquainted with the facts of the present case.

(v) The prayer of the applicant No.4 for grant of ad-interim protection is disposed of as application is withdrawn by him.

11. The criminal application is disposed of.

(Urmila Joshi-Phalke, J.)