



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

CRIMINAL APPLICATION (ABA) NO.193 OF 2025

Mahesh s/o Madhukar Nehare

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Imamwada, Nagpur

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

Court's or Judge's orders

Mr. Nazim Qureshi, Counsel for the applicant.

Ms. M. A. Barabde, APP or the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/04/2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.21/2025, registered with Police Station Imamwada, Nagpur for the offence punishable under Sections 4 and 25 of the Arms Act, 1959, under Section 135 of the Maharashtra Police Act, 1951 and under Sections 109, 189(2), 189(4), 190, 191(2), 193(3), 296, 333 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached to this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by Saurabh Suresh Masram on an allegation that on 18.01.2025 he and other co-accused entered in his house by holding weapons in their hands and the co-accused assaulted him. On

the basis of the said report, Police have registered the crime. He submitted that as far as present applicant is concerned, though his name is mentioned, no overt act is attributed to him. Thus, considering the same, his custodial interrogation is not required.

3. Learned APP strongly opposed the said application on the ground that the presence of the applicant is narrated by the informant, his custodial interrogation is required for recovery of the weapon. However, he fairly submitted that the applicant has attended the Police Station.

4. On hearing both sides and on perusal of the recitals of the FIR it reveals that only name is mentioned of the present applicant as far as the holding of sword is concerned, there is inconsistent statement. Considering the same, the interim protection granted to the present applicant 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 applicant by order dated 20.03.2025 is hereby confirmed on the condition that he shall attend the Imamwada Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet and shall co-operate with the Investigating Agency.

(3)

950.aba.193.2025

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate