



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

CRIMINAL APPLICATION (ABA) NO.428 OF 2025

Haribhau Babanrao Kasar

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Risod,
District Washim

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

Court's or Judge's orders

Mr. R. S. Kurekar, Counsel for the applicant.
Mr. N. B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/07/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.320/2025 registered with Police Station Risod, District Washim for the offence punishable under Sections 109, 115(2), 118(1), 189(2), 189(4), 190, 191(2), 191(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that due to the previous dispute, the alleged incident has taken place and in the said incident both party members have sustained the injuries. There are cross-complaints filed regarding the said incident. He invited my attention towards the Crime No.319/2025 which is lodged on the basis

of the report lodged by Datta Baban Kasar stating that the present applicant and his wife have sustained grievous injuries in the said incident. Thus, he submitted that the applicant and his wife were also assaulted by the other side and subsequently, afterthought, this false report was lodged by them. He submitted that even accepting the allegation as it is, the allegation against the present applicant that he has assaulted by means of a stick. He has already produced the said stick and thus, custodial interrogation of the present applicant is not required.

3. Learned APP strongly opposed for the same on the ground that the applicant has played vital role by assaulting by means of a stick. In view of that, his custodial interrogation is required and therefore, the application deserves to be rejected.

4. On hearing both sides and on perusal of the recitals of the FIR, it reveals that in a scuffle between the two parties, both party members have sustained the injuries. The applicant has also sustained the grievous injuries. As far as the recovery of the stick is concerned, which is already produced. Thus, custodial interrogation of the present applicant 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) The interim protection granted to the present applicant by order dated 19.06.2025 is hereby confirmed on the condition that the applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)