



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

CRIMINAL APPLICATION (ABA) NO.434/2025

Anil Narayanrao Deshmukh and others

Vs.

The State of Maharashtra through P.S.O., Police Station Amdapur, Dist. Buldhana

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

Court's or Judge's orders

Shri S.R. Sayare, Advocate for applicants
Shri M.J. Khan, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03.07.2025

Apprehending the arrest at the hands of police in connection with Crime No.162/2025 registered with Police Station Amdapur, District Buldhana, for the offence punishable under Sections 74, 75, 76, 333, 115, 315, 352, 3(5) of the Bhartiya Nyay Sanhita (BNS) Act, 2023, the applicants approached to this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicants, who submitted that crime is registered on the basis of report lodged by Lalita Chandrakant Birangal, on an allegation that on the day of incident i.e. on 02.06.2025 at about 7.30 p.m., all the applicants entered in her house, abused her in a filthy language and attempted to outrage her modesty as well as other family members were assaulted the person namely Mohd. Ajmad, who intervened in the quarrel. He was also assaulted due to which said Mohd. Ajmad sustained the injuries. On the basis of said report, police have registered the crime. Learned Counsel for

the applicants submitted that even accepting the allegation as it is, the custodial interrogation is not required. With false and baseless allegations, the applicants due to the political rivalry, implicated in the alleged offence. He submitted that as nothing is to be recovered, the custody of the present applicant is not required. In support of his contention, he placed reliance on ***Ashok Kumar Vs. State of Union Territory Chandigarh, 2024 SCC OnLine SC 274***, wherein in paragraph No.12, it is observed that

“12. There is no gainsaying that custodial interrogation is one of the effective modes of investigating into the alleged crime. It is equally true that just because custodial interrogation is not required that by itself may also not be a ground to release an accused on anticipatory bail if the offences are of a serious nature. However, a mere assertion on the part of the State while opposing the plea for anticipatory bail that custodial interrogation is required would not be sufficient. The State would have to show or indicate more than prima facie why the custodial interrogation of the accused is required for the purpose of investigation.”

3. Learned APP strongly opposed the said application and taken with all the investigation papers submitted that the informant has sustained the grievous in the nature of fracture injury and she was assaulted by the applicant No.1 and said Mohd. Ajmad assaulted by the either applicants. Thus, considering

their specific role attributed, their custodial interrogation is required. He also submitted that the Court has to consider the circumstance under which the reason has taken place that all the applicants entered in to the house of informant illegally and assaulted her as well as other family members mercilessly and outraged her modesty. In view of that the application deserves to be rejected.

4. On hearing both the sides and on perusal of the investigation papers, it reveals that as far as the applicant No.1 is concerned, there is specific allegation and specific role is attributed to him as to outraging her modesty as well as assaulting the informant. As far as the other applicants are concerned, allegation against them is that they have assaulted the witness namely, Mohd. Ajmad, who has sustained invisible injuries, which are simple in nature. Thus, considering the role attributed to the applicant No.1, his application for anticipatory bail deserves to be rejected, whereas the applicant Nos.2 to 4 have made out the case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is partly allowed.
- (ii) The prayer of applicant No.1 **Anil Narayan Deshmukh** for grant of anticipatory bail is hereby rejected.
- (iii) In the even of the arrest in connection with

Crime No.162/2025, registered with Police Station Amdapur, District Buldhana, for the offence punishable under Sections 74, 75, 76, 333, 115, 315, 352, 3(5) of the Bhartiya Nyay Sanhita (BNS) Act, 2023, **applicant No.2- Gopal Vijayrao Deshmukh, applicant No.3- Swapnil Shankarrao Deshmukh, applicant No.4- Pratap Vijayrao Deshmukh,** be released on ad-interim anticipatory bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one solvent surety, in the like amount.

(iv) The applicant Nos.2 to 4 shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, and shall co-operate with the investigating agency.

(v) The applicant Nos.2 to 4 shall not enter in to the vicinity of the village Amdapur, Tal. Chikahli, District Buldhana, until further orders.

(vi) The applicants 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.)

R.S. Sahare