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

CRIMINAL APPLICATION (ABA) NO. 478 OF 2025

Sahil s/o Aarifbhai Kasmani and another 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. S.A. Mohta, counsel for applicants.
Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.10/2025 registered with Police Station Pendhari, Tah. Dhanora, Dist. Gadchiroli, for the offence punishable under Sections 351(3), 118(1), 115(2), 126(2), 127(2), 310(2) of the Bhartiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicants, who submitted that till today, the applicants have not been arraigned as accused, as the notices were issued to them and they were apprehending the arrest at the hands of police. He submitted that the crime is registered on the basis of a report lodged by Avesh Kabir Sheikh, on an allegation that he was proceeding through Jaravandi-Pendhari road towards Gadchiroli, and at the 'T' point of Jambhali - Sakhera and Karwafa, his vehicle was looted by 9-10 persons. The complainant and his friend,

who were accompanying with each other, were beaten by kicks and fist blows, and an amount of Rs.73,000/- were looted from them, along with his two mobile phones.

3. He submitted that there is only apprehension as the investigating officer is visiting the house of the present applicants. He submitted that his statement is already recorded by the police and is shown as a witness while filing the charge-sheet. However, as the police are visiting his house, therefore he is apprehending the arrest.

4. Learned APP strongly opposed the said application and submitted that, the applicant after protected by this Court, has not cooperated with the investigating agency and filed on record copy of the extract of the sessions dairy.

5. On hearing both sides and on perusal of the recitals of the FIR and investigation papers, admittedly the applicants have not been shown as accused while filing the charge sheets. Their statements have been recorded. The extract filed on record by the learned APP also shows that on 2 occasions, they have already attended the concerned police, and on one occasion, they have not attended the same. Applicant No. 1 has not attended the police station on 21/07/2025, and applicant No. 2 has also not attended the same. However, the entries show that they have attended the

concerned police station on 14/07/2025 and 28/07/2025.

6. Considering that they have already attended the concerned police station, only once they have not attended. Therefore, the interim protection granted to them deserves to be confirmed. Accordingly, I proceed to pass the following order.

ORDER

a] Criminal application is **allowed.**

b] The interim protection granted to the present applicants by order dated 10/07/2025 is hereby confirmed, on the condition that they shall attend the concerned police station as and when required for the purpose of investigation.

c] It is made clear that whenever the presence of the applicants are necessary, they shall be served with 24 our prior notice.

d] The applicants shall not induce threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of.**

[**URMILA JOSHI-PHALKE, J.]**

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