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918.aba.244.2025

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

CRIMINAL APPLICATION (ABA) NO.244 OF 2025

Deepak s/o Shamraoji Kamatwar
Vs.

State of Maharashtra, through Police Station Officer, Police Station Saoli,
District Chandrapur

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

Court's or Judge's orders

Mr. A. S. Ambatkar, Counsel for the applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.61/2025 registered with Police Station Saoli, District Chandrapur for the offence punishable under Section 308(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The allegation against the present applicant is on the basis of report lodged by Nilesh Gajanan Raut on an allegation that the informant was called in the Police Station wherein the present applicant was present and it was alleged that the informant was abused and assaulted by the present applicant thereafter, they came out of the Police Station, the present applicant has demanded Rs.2,00,000/- from

him as an extortion amount. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that as far as the allegations are concerned, which are false and baseless. Merely because the informant was intercepted and called in the Police Station, and therefore, this false report lodged against the present applicant. As far as the custodial interrogation is concerned, which is not required. In view of that, he be protected by granting ad-interim protection.

4. Learned APP strongly opposed for the same and submitted that considering the allegation as to the demand of the extortion, his custodial interrogation is required. Moreover, the applicant is influential person and if he is released on ad-interim anticipatory bail, there is likelihood of tampering of the witnesses, and therefore, his custodial interrogation is required.

5. After hearing both sides and on perusal of the recitals of the FIR it reveals that the initial incident has taken place on 22.03.2025 wherein the informant was restrained when he was proceeding on his motorcycle and he was asked to show his licence as well as his helmet, and therefore, there was a hot exchange of words between them, and thereafter on

the next day, he was called in the Police Station. Thus, considering the recitals of the FIR, at this stage, immediate custodial interrogation of the present applicant is not required. As far as the apprehension is concerned, which can be taken care of by imposing certain conditions on the present applicants. In view of that, I proceed to pass following order:

ORDER

- (i) In the event of arrest in connection with Crime No.61/2025 registered with Police Station Saoli, District Chandrapur for the offence punishable under Section 308(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant **Deepak s/o Shamraoji Kamatwar** shall be released on ad-interim anticipatory bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.
- (ii) The applicant shall attend the concerned Police Station twice in week on Monday and Thursday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- (iii) The applicant shall not induce, threat or promise any witnesses either physically or through electronic media or through any person and reporting of the single incident would lead to the cancellation of bail.
- (iv) The applicant shall not leave the jurisdiction of Saoli Police Station without prior permission of the Court.

(v) The applicant shall make himself available before the investigating Officer to give his voice samples.

6. Learned APP waives notice for the State.

7. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)