

Harshal Ankush Metkar And Another vs The State Of Maharashtra Thr. Psi, ... on 13 August, 2024

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

CRIMINAL APPLICATION (ABA) NO. 585 OF 2024
Harshal Ankush Metkar and another Vs The State of Maharashtra
Office Notes, Office Memoranda of Court's or Judge's Order
Coram, appearances, Court's Orders
or directions and Registrar's order
Mr. S.V. Sirpurkar, counsel for applicants.
Mr. U.R. Phasate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/08/2024.

1. Apprehending the arrest, at the hands of the police, in connection with Crime No. 333/2024 registered with Police Station Malkapur City, District Buldhana for the offence punishable under Section 118(1), 352, 351(2), 3(5) of the Bhartiya Nagrik Suraksha Sanhita, 2023.
2. The applicants are apprehending the arrest, as the crime is registered against them. On the basis of a report lodged by Pawankumar Rajpalsingh Rajput, alleging that on 07/07/2024, at about 9.30 p.m., when he returned at home, near the house of one Atul Jadale, at the relevant time, both applicants assaulted him by means of a wooden rafter and iron rod therefore, he sustained the injuries. On the basis of said report, police have registered the crime against the present applicants.
3. Learned counsel for the applicants Mr. S.V. Sirpurkar submitted that, as far as applicant No. 1 is concerned, he is not pressing the prayer as regards the ad-interim protection. As far as applicant no. 2 is concerned, the role attributed to rkn 2 5aba585.2024.odt him is assault by a wooden rafter on the left hand elbow. He submitted that the injured was admitted in the hospital and he was immediately discharged. He has not sustained any fracture injuries. In view of that, custodial interrogation of applicant No. 2 is not required, and therefore, he be protected by granting ad-interim protection.
4. Learned APP strongly opposed said application on the ground that, considering the manner in which both the applicants have assaulted the injured, the prayer for grant of ad-interim protection deserves to be rejected.
5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and also perused the reply filed by the State before the Sessions Court. Considering the same and as far as applicant no.2 is concerned, it is alleged that he has given a blow of wooden

rafter, admittedly, the injury certificate is not on record at this stage. However, considering the immediate custodial interrogation of applicant No.2 is not required, he can be protected by granting ad-interim protection. Accordingly, I proceed to pass the following order:

a] Issue notice to the non-applicant, b] Learned Additional Public Prosecutor waives service of notice on behalf of non-applicant/State and seeks time to file reply.

c] In the event of arrest, in connection with Crime No. 333/2024 registered with Police rkn 3 5aba585.2024.odt Station Malkapur City, District Buldhana for the offence punishable under Section 118(1), 352, 351(2), 3(5) of the Bhartiya Nagrik Suraksha Sanhita, 2023, the applicant No.2-

Roshan Ankush Metkar, shall be released on ad-interim anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

d] The applicant shall attend the concerned police station once in a week on Sunday between 10.00 a.m to 01.00 p.m. and shall produce wooden rafter before the investigating officer during the investigation, and this period will be considered as his custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

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

f] The learned counsel for the applicant, at this stage not press the application for grant of ad-interim protection for applicant no.1, hence, no orders are passed to that effect.

Stand over after two week.

[URMILA JOSHI-PHALKE, J.] Signed by: Mr. R.K. NANDURKAR rkn Designation: PA To Honourable Judge Date: 14/08/2024 18:54:00