

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

**CRIMINAL APPLICATION (ABA) NO.706 OF 2018**

(ABDUL AVEZ ABDUL WAHID SHEIKH...VS.. STATE OF MAH. THR. PSO PS SHANTINAGAR,  
NAGPUR)

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

Court's or Judge's orders

-----  
Shri B.L.Borikar, Advocate for Applicant.  
Shri V.A.Thakare, A.P.P. for Non-applicant/State.

**CORAM : Z.A.HAQ, J.**

**DATED : OCTOBER 12, 2018.**

Heard.

Apprehending arrest in connection with Crime No.94 of 2018 registered by the non-applicant against 3 accused (including the applicant) for the offences punishable under Sections 324, 326, 427 read with Section 34 of the Indian Penal Code, the applicant seeks pre-arrest bail.

The First Information Report is registered on the complaint lodged by the informant that a quarrel was going on between the accused and the complainant's nephew and when the complainant intervened to resolve the matter, the accused started throwing empty bottles of cold drinks towards the complainant and his nephew which caused injuries to the complainant and his nephew. According to the complainant, the accused damaged the paan kiosk of the complainant's brother causing loss of about Rs.25,000/-.

The learned advocate for the applicant has submitted that other two co-accused are released on bail.

The learned A.P.P. has submitted that the co-accused are released on bail after their custodial interrogation and as far as the applicant is concerned, his custody is required for investigation. The application is further opposed on the ground that the applicant is facing prosecution for the offences punishable under Sections 353, 332, 294 and 186 of the Indian Penal Code in Crime No. 3 of 2017.

The applicant (aged about 25 years) claims that he is running a Bakery Shop. Though the Investigating Agency claims that custodial interrogation of the applicant is required, the submission is not substantiated especially in the light of the fact that other co-accused are released on bail after their custodial interrogation.

In the facts of the case, following order is passed:

In the event of arrest in connection with Crime No.94 of 2018, registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs.Twenty Thousand and one solvent surety in the like amount.

The cash security shall be furnished by the applicant within ten days. The said cash security shall be treated as Muddemal. Order regarding its disbursal shall be passed by the trial Court at the time of disposal of the trial.

The application is **allowed** in the above terms.

**JUDGE**