

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.541/2019

Mohd. Asif Ikramoddini Quereshi and anr. vs. State of Maharashtra through
PSO P.S. City Kotwali, Akola.

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

Court's or Judge's orders.

Mr. U. J. Deshpande, Advocate for applicants.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 3, 2019

Heard Mr. Deshpande, learned counsel for applicants and Mr. Rode, learned A.P.P. for non applicant-State. Perused reply filed by non applicant and also investigation papers.

This is an application for anticipatory bail. Applicants are apprehending their arrest in connection with Crime No.207/2019, registered with Police Station, City Kotwali, Akola, for an offence punishable under Section 326 read with Section 34 of the Indian Penal Code.

Submission of learned counsel for applicants is that applicants are falsely implicated in crime inasmuch as there is matrimonial dispute going on between the families of complainant and accused persons.

Such a defence can be taken care of at the time of trial. Presently, it will have to be seen as to whether there is a prima facie case against the applicants or not since they are claiming anticipatory bail.

First Information Report in question is lodged by Farhat Jahan Haji Shafi. In the FIR, it is stated that she and her sister are residents of Agra and as their father had undergone knee surgery, they had been to Akola to visit him. It is further stated in the FIR that when they were passing through spot, applicants came and assaulted on complainant and her sister. The role is specifically attributed. According to the FIR, applicant no.1-Mohd. Asif Ikramoddin Quereshi, assaulted by means of pipe. Injury certificate of Farhat Jahan shows that she has suffered grievous injuries. According to the prosecution, the rod which was used by the applicant as a weapon is yet to be recovered.

In that view of matter, application of applicant no.1-Mohd. Asif Ikramoddin Qureshi is rejected.

Insofar as applicant no.2 is concerned, the only allegation made against him is that he has assaulted the complainant and her sister by means of stick. However, the injury certificate shows only contusions.

In that view of the matter, I pass following order.

ORDER

- (i) The application is partly allowed.
- (ii) Application of applicant no.1-Mohd. Asif Ikramoddin Quereshi is rejected.

Interim order dated 05.08.2019 passed by this Court, in so far as applicant no.1 is concerned, is vacated.

- (iii) Application of applicant no.2-Ashrafoddin Ikramoddin Quereshi is allowed.

(iv) In the event of arrest in connection with Crime No.207/2019, registered with Police Station, City Kotwali, Akola, for an offence punishable under Section 326 read with Section 34 of the Indian Penal Code, applicant no.2- Ashrafoddin Ikramoddin Quereshi be released on bail on he executing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

(v) Applicant no.2 shall attend Police Station, City Kotwali, Akola from 09.09.2019 to 14.09.2019, between 11.00 a.m. to 05.00 p.m.

The application is disposed of.

JUDGE