

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (ABA) NO.202 OF 2021**

Sheikh Kasim Sheikh Maheebub

...Versus...

State of Maharashtra through P.S.O., Awdhutwadi, Yavatmal.

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

Court's or Judge's

Shri. M. N. Ali, Advocate for applicant
Shri. S. D. Sirpurkar, APP for Respondent/State.

CORAM : **N. B. SURYAWANSHI, J.**
DATE : **16th JUNE, 2021.**

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant apprehends his arrest in Crime No.0834 of 2020 registered with Awdhutwadi Police Station, District Yavatmal for the offences punishable under Sections 326, 452, 504 and 506 read with Section 34 of the Indian Penal Code.

3. Asma Tabassum lodged F.I.R. alleging that she was staying separately from her husband Zahirulla Baig from last four months. On 31.12.2020 at about 4.00 pm Zahirulla Baig, his friend Mansab Baig and the applicant came at her residence and they abused her in filthy language and assaulted her. Zahirulla Baig, on the same

day lodged F.I.R., which was registered at Crime No.0835 of 2020 against the informant and her brothers alleging that he was assaulted by the informant and her two brothers.

4. The applicant contends that there was divorce between Zahirulla and Asma Tabassum and he was mediator in the same. The applicant further specifically contended that he is serving as a Teacher at Zilla Parishad Urdu Medium School, Mitnapur, Tq. Babhulgaon, Dist. Yavatmal and at the time of alleged incidence, he was at the school discharging his duty as a teacher. He has signed the divorce deed as a witness, and therefore, he is falsely implicated in the present crime.

This fact was verified by the Investigating Officer and in the affidavit filed by the I.O., it is stated that the applicant was present in the school on the day of incidence i.e. 31.12.2020 from 10.30 am to 5.00 pm. The Head Master of the said school had also issued certificate to that effect.

The Informant has claimed that the incident has taken place on 31.12.2020 at 4.00 pm. *Prima facie*, it appears that the applicant is falsely involved in offence as he was mediator and signatories to the divorce deed of the informant

and Zahirulla Baig.

5. The applicant was granted interim protection vide order dated 25.03.2021 and the applicant has attended the Police Station and has co-operated in the investigation. The applicant, has therefore, made out the case for grant of relief. Hence, the following order:

i) Criminal Application No.202 of 2021 is allowed by confirming the interim order dated 25.03.2021.

ii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer, till filing of the charge sheet.

(N. B. SURYAWANSHI, J.)

TAMBE