

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

CRIMINAL APPLICATION [ABA] NO. 528/2021.

Mohammad Shabbir @ Jugnu Mohammad Kalam.

-VERSUS-

The State of Maharashtra, P.S. Lakadganj, Nagpur.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.K. Bhangde, Advocate for the Applicant.
Shri H.D. Dubey, APP for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : AUGUST 30, 2021.

Heard.

2. In anticipation of arrest in connection with Crime No.795/2021 registered with the non-applicant Lakadganj Police Station, Nagpur for the offence punishable under Sections 307, 450 read with Section 34 of the Indian Penal Code, the applicant is claiming pre-arrest bail.

3. On the date of occurrence, there was a quarrel between the informant and wife of the co-accused Ashok Uke. On that day, in the late evening, the applicant came with the co-accused

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Ashok and again there was a quarrel. At that time, another co-accused namely Rafique, brought big stone by which all of them beated the informant causing severe injury at his leg.

4. It reveals that the entire incident had occurred at the instance of a dispute of informant with the co-accused Ashok Uke. The role of the applicant is that during the course of assault by co-accused, he also lifted stone and hit on the left leg of the informant.

5. During the course of investigation, the police have seized the stone from the place of incident. The trial Court has refused to grant protection by stating that the police have to seize applicants' clothes and to take blood samples. Moreover, the trial Court has observed that all parties are residing in the same locality.

6. Already both the co-accused have faced police interrogation and released on bail. Nothing is to be seized at the instance of the applicant. The injured is also discharged long back. The alleged

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assault was not on the vital part of the body. It is informed that investigation is already completed and charge sheet has been filed against the applicant under Section 299 of the Code of Criminal Procedure. Having regard to all these circumstances, applicants' liberty can be protected by imposing certain conditions. Hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) In the event of arrest of the applicant/accused – Mohammad Shabbir @ Jugnu Mohammad Kalam, in connection with Crime No. 795/2021 registered with the non-applicant Lakadganj Police Station, Nagpur for the offence punishable under Sections 307, 450 read with Section 34 of the Indian Penal Code, he be released on executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant/accused shall attend the concerned police station on every Sunday in between 11 a.m. to 2 p.m. for a period of 6 months, from today.
- (iv) The applicant/accused shall not tamper

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with the prosecution evidence in any manner.

- (v) The applicant/accused shall offer himself for giving necessary samples, as and when called for by the police.

Rgd.

JUDGE