

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

**CRIMINAL APPLICATION (ABA) NO. 628 OF 2021**

Addu @ Sadik Usman Sheikh and anr.

..vs..

State of Maharashtra, thr. P.S.O.

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

Shri S.W. Sambre, Advocate for applicants.  
Shri I.J. Damle, A.P.P. for non-applicant/State.

**CORAM : VINAY JOSHI, J.**  
**DATED : 16/12/2021**

The Crime No.629 of 2021 was registered with Umred Police Station, Nagpur Rural for the offence punishable under Sections 294, 394 and 506 of the Indian Penal Code. The applicants apprehend to be arrested in said crime and therefore, approached to this Court for grant of pre-arrest protection.

2. It is mainly contended that in alleged occurrence, the informant Rahul Gupta assaulted applicants party by raising illegal demand. For that purpose, applicant no.2 Shubhan Shende has already lodged the report with the Police on 16.07.2021 against the informant. According to the applicant, to give counter blast to the said report, belated existing false report has been lodged by the informant.

3. The non-applicant/State resisted bail by filing reply-affidavit. The contention of First Information Report have been narrated in brief. It is stated that the

applicant has committed robbery to the tune of Rs.2200/- and gold chain, which is yet to be recovered. Having regard to the seriousness of the offence, the bail is prayed to be rejected.

4. One Rahul Gupta has lodged the report on 02.09.2021 regarding occurrence dated 15.07.2021. According to the informant, on that day, around 8.22 pm, both applicants beat him and particularly applicant no.2 Shubhan Shende forcibly snatched cash amount of Rs.2200/- and gold chain. The informant stated that he has tried to lodge report, however, the Police did not take cognizance. Contextually gone through the report dated 16.07.2021 lodged by applicant No.2 Shubham Shende. He stated that on 15.07.2021, around 8.30 pm, informant Rahul Gupta assaulted him and raised illegal monetary demand of Rs.20,000/- for which the report. It is apparent that on the basis of incident of fight dated 15.07.2021, already report has been lodged on the very next day by applicant No.2 Shubham Shende. The said lodgment of report *prima facie*, supports the applicants' contention about filing of existing report in retaliation. Pertinent to note that though the alleged occurrence took place on 15.07.2021, however for next one month, the report has not been lodged.

5. Perusal of case diary indicates that on 15.07.2021, the informant took medical treatment. It is stated that he sustained injury by fists blows and kicks. The nature of injury is also an abrasion and

punch at cheek. The possibility of informant sustaining injury in the occurrence as per the report of applicant No.2, cannot be ruled out.

6. Having regard to the nature of accusation, on the canvass of earlier First Information Report, applicants have made out a case for grant of pre-arrest protection. Hence, the following order :

- (a) Criminal Application stands allowed and disposed of.
- (b) Ad-interim order dated 22.09.2021 is hereby made absolute upon same terms and conditions.
- (c) Henceforth applicants/accused shall continue to attend concerned Police Station till filing of the charge-sheet or for 90 days whichever is earlier.
- (d) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

**JUDGE**

*Trupti*