

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

CRIMINAL APPLICATION (ABA) NO. 756 OF 2021

Mohd. Rizwan Sheikh @ Chintu s/o Mohd. Arif and anr.

..vs..

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

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

Court's or Judge's orders

Shri A.J. Mirza, Advocate for applicants.
Shri A.R. Chutke, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 23/11/2021

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.717 of 2021 registered with Gittikhadan Police Station, Nagpur City. Initially, the Crime was registered for the offence punishable under Sections 323, 324, 504 read with Section 34 of the Indian Penal Code. Later on, Section 326 of the Indian Penal Code has been added.

3. It is the prosecution case that at relevant time, both applicants along with co-accused Monu Khan assaulted the informant and his associates namely Mohd. Aftab and Sayyad Nawish. In said occurrence, the informant had sustained bleeding head injury whilst the rest also sustained injuries by stick blows dealt by the present applicants.

4. The non-applicant/State while resisting bail contended that co-accused Monu Khan, who has

caused head injury, was arrested. The Police have seized knife and sticks from Monu Khan. However, considering the seriousness and abscondance of accused, bail is prayed to be rejected.

5. Perused the police report and case papers. Particularly, gone through the statements of both injured coupled with Medico Legal Certificate. Besides dislocation of left shoulder of Mohd. Aftab, there are no serious injuries. Considering the role of applicants, their liberty can be protected by directing them to join the course of investigation. However, as the incident appears to be outcome of quarrel in between to groups, certain conditions are necessary. In view of that, following order is passed :

(a) The application stands allowed.

(b) In the event of arrest applicants/accused
1.Mohd. Rizwan Sheikh @ Chintu s/o Mohd. Arif and 2. Altamash @ Annu s/o Akram Khan in connection with in Crime No.717 of 2021 registered with Gittikhadan Police Station, Nagpur City for the offence punishable under Sections 323, 324, 326, 504 read with Section 34 of the Indian Penal Code, they be released on anticipatory bail on their furnishing P.R. bond of Rs.25,000/- each, with one surety in the like amount.

- (c) Applicants/accused shall attend concerned Police Station on every Sunday in between 12.00 noon to 02.00 pm till filing of charge-sheet.
- (d) Applicants/accused shall not enter into the municipal limits of Nagpur city, till filing of the charge-sheet or for the period of 60 days whichever is earlier, except attending the concerned Police Station.
- (e) The applicants/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.
- (f) Breach of either of condition would give rise to the prosecution to move this Court for cancellation of bail.

JUDGE

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