

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

Criminal Application (ABA) No. 320 of 2022

Ehtesham S/o Ibrahim Nabil

Versus

State of Maharashtra, through Police Station Officer, Police Station
Achalpur, District – Amravati (Rural)

WITH

Criminal Application (ABA) No. 333 of 2022

Pravin S/o Namdeorao Ladole

Versus

State of Maharashtra, through Police Station Officer, Police Station
Achalpur, District – Amravati (Rural)

WITH

Criminal Application (ABA) No. 363 of 2022

Mangesh S/o Ganeshrao Awankar and others

Versus

State of Maharashtra, through Police Station Officer, Police Station
Achalpur, District – Amravati (Rural)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

ABA No.320 of 2022.

Shri Tushar Tathod, Advocate for the applicant

Shri T.A. Mirza, APP for the State / Non-applicant

ABA No.333 of 2022.

Shri S.V.Kothekar, Advocate for the applicants

Shri V.A. Thakare, APP for the State / Non-applicant

ABA No.363 of 2022.

Shri S.V.Kothekar, Advocate for the applicants

Ms Mrunal Barbde, APP for the State / Non-applicant.

CORAM : ANIL S. KILOR, J.
DATED : 8th JUNE, 2022.

All these applications are arising out of Crime No. 142 of 2022 registered on 18th April, 2022 with Police Station Achalpur, District Amravati for the offence punishable under Sections 143, 147, 148, 149, 186, 353, 332, 427 and 120 (B) of the Indian Penal Code read with Section 135 of Maharashtra Police Act, 1951.

2. By all these applications, the applicants are praying for grant of pre-arrest bail in the above referred crime.

3. Learned counsel for the respective applicants jointly submits that the names of the accused persons were mentioned in the First Information Report, on the basis of personal information of the complainant.

4. The complainant states that he knows many person in the City of Achalpur and he saw the applicants on the date of the incident. It is pointed out that the name of one Danish Abdul Rahman also featured in the First Information Report. However, on the date of incident he was in hospital. Medical documents of Danish Abdul Rahman are filed alongwith ABA No.320 of 2022. He therefore, submits that such First Information Report cannot be made basis for taking

away the liberty of the applicants. Accordingly, he prays for grant of pre-arrest bail.

5. On the other hand learned Additional Public Prosecutor strongly opposed the applications and submits that offence is serious and the custodial interrogation is necessary.

6. I have perused the case diary and also contents of the First Information Report.

7. In the First Information Report, the complainant who is a Police Sub-Inspector states that he personally knows many persons in the City of Achalpur and therefore, he can states the name of the accused persons who were present at the time of incident. On the basis of the complainant's information, the names of accused persons were arraigned. One of the accused is Danish Abdul Rahman, who is accused no.14. The medical documents filed on record shows that he was hospitalized on 8th April, 2022 and was discharged on 26th April, 2022. The incident is dated 18th April, 2022.

8. The above referred facts depict that on the date of incident, accused no.14 was in hospital. Nothing has been pointed out that the accused no.14 and the person who was hospitalized during the period of 8th April, 2022 to 26th April, 2022 namely Danish Abdul Rahman are not the same but different persons.

9. The above referred discrepancies *prima facie* creates doubt about the veracity of the contents of the First Information Report, particularly about the presence of applicants at the time of incident.

10. Moreover, there is no other evidence available on record to show the involvement of the applicants in the alleged offence. Thus, I am of the opinion that the applicants are entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

ORDER

- i. Criminal Application (ABA) Nos.320 of 2022, 333 of 2022 and 363 of 2022 are allowed;
- ii. Order dated 6th May, 2022 in ABA No.320 of 2022, order dated 17th May, 2022 in ABA No.333 of 2022 and order dated 31st May, 2022 in ABA No.363 of 2022 granting ad-interim anticipatory bail to the applicants are confirmed.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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