

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

CRIMINAL APPLICATION (ABA) NO.368 OF 2022

(SHAIKH MANJOOR SHAIKH ABDULLA & OTH....VS.. STATE OF MAH. THR. PSO PS RAIPUR,
BULDANA.)

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

Court's or Judge's orders

Shri Ram Karode, Advocate for Applicant.
Ms Shamsi Haider, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 14, 2022.

1. Heard.
2. This is an application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in connection with Crime No. 114 of 2022, registered with Police Station, Raipur, District : Buldana for the offences punishable under Sections 143, 147, 149, 332, 353, 504, 506 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act.
3. The learned counsel for the applicant submits that the applicant No.1 is 87 years old and applicant No.2 is 80 years old and if the allegations made in the F.I.R. are considered, it can be seen that the story is improbable. He, therefore, submits that like the applicant Nos. 1 and 2, the applicant Nos.3 and 4 have also been falsely implicated in the alleged offence. It is submitted that there is no role attributed to the applicants except their presence at the

spot. It is submitted that custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of bail.

4. The learned A.P.P. strongly opposes the application and submits that there are statements of police which support the case of the prosecution.

5. From perusal of the case diary and the F.I.R. it appears that the applicant No.1, who is accused No.1, is 87 years old and applicant No.2, who is accused No.13, is 80 years old. Thus, *prima-facie* the allegations as regards role attributed to them appears to be improbable.

6. As far as applicant Nos. 3 and 4 are concerned, except their presence no specific role is attributed to them. Moreover, I am of the opinion that the custodial interrogation is not necessary. Furthermore, as there is nothing to point out that there is any possibility that the applicant would pressurize the prosecution witness or tamper with the prosecution evidence or they will not be available for trial, if they are released on bail, I am of the opinion that the applicants are entitled for grant of bail. Hence, I pass the following order:

i) The application is allowed.

ii) It is directed that in the event of arrest in connection with Crime No.114/2022, registered with Police Station, Raipur, District : Buldana for the offences punishable under Sections 143, 147, 149, 332, 353, 504, 506 of the Indian Penal Code and Section 135 of the Maharashtra Police Act the applicants shall be released on bail on furnishing P.R. Bond in the sum of Rupees Fifteen Thousand each with one solvent surety in the like amount for each of the applicant.

The applicants shall attend the concerned Police Station as and when their presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE

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