

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

CRIMINAL APPLICATION (ABA) NO.411 OF 2022

Nusratullah Khan S/o Naseer Ahmad Khan

Versus

State of Maharashtra, through P.S.O., P.S. Anjangaon Surji, Dist. Amravati

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

Court's or Judge's Order

Shri S. Ateeb, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 01/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.289 of 2022, dated 12.04.2022, registered with Police Station Anjangaon, District: Amravati (Rural), for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of the Indian Penal Code.

2. Shri Ateeb, learned counsel for the applicant submits that considering the role attributed to the applicant, the offence under Section 307 does not attract. He therefore, submits that in this case, custodial interrogation of the applicant is not necessary. He placed reliance upon an order of a coordinate bench of this Court and submits that in the said case i.e. *Ankush Mahadev Waghmode & anr. Vs. The state of Maharashtra*, on the similar facts the bail was granted by this Court.

3. He further submits that two co-accused persons have been released on bail and as such, he prays for grant of bail, in this case.

4. On the other hand, Ms Shamsi Haider, learned APP strongly opposes the present application and submits that custodial interrogation of the applicant is necessary. It is submitted that sufficient incriminating material has been collected by the Investigating Agency against the applicant and as such, she prays for rejection of the present application.

5. I have perused the Case Diary and also the contents of the First Information Report (FIR).

6. The allegations made in the FIR are serious. The accused Imran Khan assaulted Sheikh Mujjamil on his shoulder with knife. Other accused including the present applicant assaulted informant and other injured with fist and kicks. The injured was hospitalized for five days.

7. As far as, the co-accused who have been released on bail, they were released on regular bail.

8 Looking to the allegations made in the FIR and the role attributed to the applicant, I am of the opinion that custodial interrogation is necessary.

9. As far as the order of the coordinate bench on which the applicant is relying upon is concerned, it is a settled law that each case needs to be considered in the light of the facts and circumstances of the case and the material collected by the Investigation Officer during the investigation.

10. Furthermore, as some deterrence is necessary, in such matter, I am not inclined to grant bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]