

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

**Anticipatory Bail Application No. 887 of 2021**

Abdul Noman Abdul Jakir and another

**Versus**

State of Maharashtra, through Police Station Officer, Washim  
Tq. And District Washim.

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

Court's or Judge's Order

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Shri Sharukh Shah, Advocate for the applicant.

Shri M.J.Khan, APP for the non-applicant.

**CORAM : ANIL S. KILOR, J.**

**DATED : 7<sup>th</sup> MARCH, 2022.**

Crime No. 1361 of 2021 dated 12<sup>th</sup> November, 2021 was registered with Police Station Washim, Dist. Washim on 12<sup>th</sup> November, 2021 against the eight accused persons and six unknown person including the applicant for the offence punishable under sections 143, 144, 146, 147, 148, 149, 307 of the Indian Penal Code and Section 4 read with Section 25 of Arms Act. Allegations are that the father of the complainant quarreled with his neighbour Mohammad Jakir and Mohammad Shakil, thereupon he lodged a complaint on 11<sup>th</sup> November 2021. Thereafter, the accused persons armed with the sword, pipe, sickle and

other weapons assaulted the complainant and his father and brother and abused them.

2. Learned counsel for the applicant submits that this Court vide order dated 23<sup>rd</sup> December, 2021 granting ad-interim bail to the applicant and accordingly as per one of the conditions of the said order he attended the concern police station on every Sunday in between 11 am to 2 pm.

3. It is pointed out that nowhere the name of the applicant is mentioned in the First Information Report. So also, no role is attributed against the applicant. There is also no mention that the applicant has assaulted the complainant or other persons by means of weapon. It is submitted that the only allegations against the applicant is that he abused the complainant and other person. He therefore, submits that custody of the applicant is not necessary for recovery of any weapon. In that view of the matter, he prays for confirmation of the order dated 23<sup>rd</sup> December, 2021.

4. Shri Khan, learned Additional Public Prosecutor has opposed the application and submits that during the investigation, the Investigating Officer has

recorded the statement of the witnesses and sufficient material has been collected.

5. On perusal of the case diary and considering the contents of the First Information Report, *prima facie*, it appears that no role is attributed against the applicant in the alleged assault. There is only mention that he abused the complainant and his father and brother. However, as regards the assault, no specific role is attributed to the applicant. Moreover, as the applicant was granted ad-interim protection and he has attended the police station and there is no complaint about the misuse of liberty granted to the applicant, I am of the opinion that order dated 23<sup>rd</sup> December, 2021 needs to be confirmed.

6. Accordingly, the application is allowed.

7. Order dated 23<sup>rd</sup> December, 2021 is confirmed with modification that applicant shall attend the concern police station as and when his presence is required.

[ANIL S. KILOR, J.]

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