

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

CRIMINAL APPLICATION (ABA) NO. 406/2023

MIRZA ZAFAR BAIG AYYUB BAIG
VS
STATE OF MAH. THR. PSO, PS, MANGRULPIR, DIST. WASHIM.

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

Court's or Judge's Order

Mr S.M.Khan, counsel for applicant.

Mr M.J.Khan, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/07/2023.

1. Heard.
2. The present application is filed by the applicant for grant of anticipatory bail in connection with Crime No.413/2023 registered with Police Station Mangrulpir, District Washim for the offences punishable under Sections 326 and 504 read with Section 34 of the Indian Penal Code, 1860.
3. The applicant is apprehending arrest at the hands of Police, as crime is registered against him and other co-accused on the basis of report lodged by one Abdul Wajid Abdul Majid Khan. As per the accusation on 13/06/2023 at about 8.00 a.m., there was quarrel between the applicant and the informant. It is alleged that the present applicant were asking the father of the

informant to leave the place, as the said place belongs to them. Thereafter, co-accused Iqbal Baig Mirza Ayyub Baig came along with Axe in his hands and the present applicant was holding iron pipe. The present applicant has given blow of that iron pipe on the legs of the injured. On the basis of said report, the police have registered the crime against the present applicant.

4. As per the contention of the present applicant, he has teacher by profession. He has falsely implicated in the alleged offence. In fact, no such incident has occurred. His custodial interrogation is not required. As far as the investigation purpose, he is ready to cooperate with the investigating agency.

5. The said application is strongly opposed by the State on the ground that due to the assault by the present applicant, the injured has sustained the grievous injuries. His physical custody is required to recover the iron pipe, and prays for rejection of the application.

6. Heard learned counsel for the applicant and learned APP for the State. Perused the recitals of the FIR. As per the FIR, the role attributed to the present applicant that he has assaulted the injured, by means of iron pipe. The medical certificate shows that the injured has sustained the injuries on his legs in the nature of

swelling. Now, the injured is already discharged from the hospital, as far as the custody for the purpose of recovery of iron pipe is concerned, condition can be imposed on the present applicant. For the interrogation also, condition can be imposed on the present applicant. Considering that injured is already discharged from the hospital and now out of the threat of any endanger to his life, the application of the present applicant, considering his role can be considered by granting him protection. In view of that, I proceed to pass following order:

- a) Criminal application is allowed.
- b) The applicant is released on anticipatory bail in the event of his arrest in respect of crime No. 413/2023 registered under Section 326 and 504 read with Section 34 of the Indian Penal Code, on executing P.R. Bond of Rs. 25,000/- with one solvent surety of like amount.
- c) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.
- d) The applicant shall produce the iron pipe on 23/07/2023 in between 10.00 am to 1.00 p.m.

and the said period would be deem custody for the purpose of Section 27 of the Indian Evidence Act.

- e) The applicant shall not induce, threat or promise any witnesses who are connected with alleged crime in any manner.
- f) The applicant shall furnish his cell phone number and address along with address proof.

Criminal Application is disposed of.

JUDGE