



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

CRIMINAL APPLICATION (ABA) NO. 678/2023

ABRAR AHMED S/O MOINUDDIN AND ANOTHER.

VS

STATE OF MAH. THR. PSO, PS OLD CITY, AKOLA, TAH. AND DIST. AKOLA.

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

Court's or Judge's Order

Mr. A.M. Tirukh, counsel for applicants
Mr. VA.Thakre, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/12/2023.

1] By this application, the applicants are seeking pre-arrest bail in connection with Crime No. 362/2023 registered with Police Station, Old City, Akola, Tah. and District Akola for the offence punishable under Sections 326, 324, 452, 427, 506, 143, 147, 148 read with Section 149 of the Indian Penal Code, 1860.

2] The learned counsel for the applicant submitted that cross complaints are registered regarding the incident against each other. The present applicants are implicated as an accused in Crime No. 362/2023 which is registered on the basis of report lodged by Syeed Shahid Syeed Salim, who has alleged that on 01/10/2023 when he had been to the shop of Ashfaque, there was hot exchange of words between

complainant and the Ashfaque abused him. It is further alleged that brother of the Ashfaque namely Irshad came there and holding iron tomy bar in his hand, and in the scuffle, he has assaulted him.

3] The learned counsel submitted that as far as the allegations against the present applicants namely Abrar and Rehan is concerned, is only to the extent that they came at the spot by holding weapon. It is not alleged that they have either assaulted to any witness or cause any damage to the property. Considering the role of the present applicants, they be protected by granting anticipatory bail.

4] The said application is strongly opposed by the State and submitted that after the first incident, the present applicants with preparation came at the spot and assaulted the injured with their common object. The deadly weapons were in the hands which are to be recovered and therefore, the prayer of grant of anticipatory bail deserves to be rejected.

5] Heard having heard learned counsel for the applicant and learned APP for the State. Perused the investigation papers. As far as the role of the present applicants is concerned, it is only to the extent that they arrived at the spot along with deadly weapons like iron tomy and sticks in their hands. It is

nowhere alleged that either they have gave blow to any of the witnesses by the weapons in their hands and caused any injury and caused any damage.

6] Furthermore, considering the role attributed to the present applicants, their physical custody is not required as far as the interrogation is concerned, some conditions can be imposed. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass following order:

- a) The criminal application is allowed.
- b) The applicants are released on ad-interim anticipatory bail, in the event of their arrest in connection with Crime No. 362/2023 registered with Police Station, Old City, Akola, Tah. and District Akola for the offence punishable under Sections 326, 324, 452, 427, 506, 143, 147, 148 read with Section 149 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c) The applicants shall attend the concerned Police Station as and when required for investigation purpose and shall cooperate with the investigating agency.

- d) The applicants shall not induce, threat or promise, who are acquainted with the facts of the present case.
- e) The applicants shall furnish their cell phone numbers and address with address proof.

The criminal application is disposed of accordingly.

[URMILA JOSHI-PHALKE, J]