



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

CRIMINAL APPLICATION (ABA) NO. 771/2023

Sk. Yusuf Sk. Maheboob V/s State of Maharashtra

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

Court's or Judge's Order

Mr. Pavan Sarise, counsel h/f Mr. R.J. Shinde, counsel for applicant
Mr. N.R.Rode, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/12/2023.

1. By this application, the applicant is seeking pre-arrest bail in the event of his arrest in connection with Crime No. 365/2023 registered with Police Station Old City, Akola, District Akola for the offence punishable under Sections 143, 147, 307, 148, 323, 504, 506, 506 and read with Section 149 of the Indian Penal Code, 1860.

2. As per the accusations, report is lodged against him, on the basis of the report by the informant Mohd. Ashpaque Mohd. Hafiz, who alleged that on 01/10/2023 when he was present in his Shop at about 8.30 p.m. one Sk. Shahid came at his shop and asked for the cigarette. He denied to give him cigarette. At the relevant time, he left the place and after some time, he came along with the present applicant by holding weapons in his hand. As per the

allegations, the present applicant and other co-accused assaulted him by means of the weapons in their hand. As far as the present applicant is concerned, who was holding iron pipe and gave a blow of iron pipe on his left hand on his face. Due to which, he has sustained the injuries.

3. Learned counsel for the applicant submitted that cross-complaints are filed as there was scuffle between the two parties. The present applicant has also sustained the injuries in the said incident. Thus, it shows that it was a fight between the two groups, wherein the injuries are caused to both the parties. The custodial interrogation of the present applicant is not required and prays for protection in the form of anticipatory bail.

4. Learned APP strongly opposed the present application on the ground that the informant has sustained grievous injury like fracture of the anterior and posterior table of the left frontal sinus is noted, fracture of the left nasal bone is noted and also fracture of the base of the skull is noted anteriorly on the left side. Due to blow by the present applicant, the alleged weapon which was in the hands of the present applicant is yet to be recovered. Thus, there is a prima-facie material against the present applicant,

his custodial interrogation is required and prays for rejection of the application.

5. Having heard learned counsel for the applicant and learned APP for the State. Perused the recitals of the FIR. Undisputedly, the cross complaints are filed and there was a scuffle between the two parties. Admittedly, the alleged incident has taken place on a trifle reason for denying the cigarette to the co-accused by the informant.

6. Furthermore, the role of the present applicant who came at the spot by holding iron pipe in his hand and gave blow on the left hand and near the left eye of the injured. The injured has sustained the grievous injuries, as per the medical certificate. Moreover, the custodial interrogation of the present applicant is required for recovery of the said iron pipe.

7. In view of that, prima-facie case is made out against the present applicant. In my view, it is not a fit case to grant anticipatory bail, therefore, application is rejected. Accordingly, I pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J]