



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

CRIMINAL APPLICATION (ABA) NO. 243 OF 2024

Sajjad Ahmad S/o Imdad Ahmad

..VS..

State of Maharashtra through PSO, P.S. Shirkhed, Amravati (Rural)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.B. Gandhe, Advocate for applicant.
Mr. Nitin Autkar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09th MAY, 2024

Apprehending the arrest at the hands of police in connection with Crime No. 94/2024 registered with Police Station Shirkhed, Amravati (Rural), District Amravati for the offence punishable under Sections 294, 332, 353, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the informant Balkrushna Bhimraoji Dere, alleging that at the relevant time some persons approached to him for obtaining Labour Construction Certificate and they abused and manhandled him, when he was discharging the duty. On the basis of said report, the police have registered the crime against the present appellant and the other co-accused.

3. Learned Counsel for the applicant submitted that the only allegation against the present applicant is that he was along with the said persons, who manhandled the public officer, who was discharging his duty. As far as custodial interrogation is concerned, which is not required. He further submitted that with the false allegations, present applicant is implicated in the alleged offence.

4. Learned APP strongly opposed the said application contending that the informant, who is the public officer discharging the public duty, manhandled by the present applicant and the other co-accused. Present applicant is the influential person and due to his fear, nobody is coming forward to give the statement before the Investigating Officer. In view of that the prayer for grant of anticipatory bail deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State and perusal the recitals of the First Information Report as well as investigation papers, as far as the allegations against the present applicant is concerned, which is only to the extent that he was along with the persons, who approached to the informant for obtaining the certificate and they manhandled him. Custodial interrogation of the present applicant, admittedly, is not required, however, taking into consideration the apprehension raised by the learned APP, some condition requires to be imposed.

6. In view of that I proceed to pass following order :
- i) The application is allowed.
 - ii) In the event of his arrest, in connection with Crime No. 94/2024 registered with Police Station Shirkhed, Amravati (Rural), District Amravati for the offence punishable under Sections 294, 332, 353, 506 read with Section 34 of the Indian Penal Code, 1860, the interim protection granted to the present applicant - **Sajjad Ahmad s/o Imdad Ahmad** on 12.04.2024 is confirmed on the similar terms and conditions.
 - iii) The applicant shall not enter into the vicinity of Riddhapur and shall stay out of the Riddhapur, till further orders.
 - iv) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall co-operate with the investigating agency.
 - v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)