



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

CRIMINAL APPLICATION (ABA) NO.239 OF 2024

Abdul Fazil @ Mohammad Fazil s/o Abdul Khalik and others
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Shirajgaon Kasba, District Amravati

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

Court's or Judge's orders

Ms. Aastha Sharma, Advocate h/f Mr. Mohd. Amin Mohd Salim, Advocate
for applicant.

Ms. Soniya Thakur, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/06/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.82/2024 registered under Sections 143, 147, 148, 323, 324, 504, 506 and 326 read with Section 149 of the Indian Penal Code, the applicants approached this Court for grant of pre-arrest bail.

2. As per the accusation, report is lodged by Fareen Kausar Salman Khan alleging that she resides along with her husband and other family members. There was a love affair between her husband and the co-accused Fara Anjum. On 07/03/2024, the mother and sister of the informant came in marriage ceremony of relatives of the informant. At that time, during Reception Ceremony in village when the complainant and her mother and sister attended the

said ceremony, the co-accused Fara Anjum and her relatives stared at her in annoyed manner and whispered something about her and therefore, there was hot exchange of words between them and in that incident, the other co-accused who came by holding sticks and iron rod in their hands and the present applicants assaulted by slaps. On the basis of said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the applicants are concerned, only allegation against them that they abused and assaulted by giving slaps. It is further alleged that applicant No.1 has prepared the video of the said incident. She submitted that considering no overt act is attributed to them, their custodial interrogation is not required.

4. Learned APP strongly opposed the said application on the ground that the applicants and the other co-accused in furtherance of their common object, assaulted the informant and her relatives. Their custodial interrogation is required and therefore, the application deserves to be rejected.

5. After hearing the learned counsel for the applicants and learned APP for the State, perused the investigation papers, it reveals that overt act is attributed to the other co-accused. As far as the

present applicants are concerned, only allegation against them that they have abused the informant and her relatives. Considering the nature of the allegations, their custodial interrogation is not required. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

1. The application is allowed.
2. In the event of arrest in connection with Crime No.82/2024 registered under Sections 143, 147, 148, 323, 324, 504, 506 and 326 read with Section 149 of the Indian Penal Code, the applicant Nos. **1] Abdul Fazil @ Mohammad Fazil s/o Abdul Khalik, 2] Abdul Shafik @ Mohd Shafik Mohd Khalik, 3] Abdul Kashif @ Abdul Saqeeb Abdul Kabir and 4] Mohd Zakir @ Zakir Khan** be released on anticipatory bail on executing PR bond of Rs.25,000/- each with one solvent surety in the like amount, on the similar conditions which are imposed by this Court by order dated 10.04.2024.
6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)