



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

CRIMINAL APPLICATION (ABA) NO.245 OF 2024

Shaikh Shaheezad s/o Shaikh Ahemad
Vs.

The State of Maharashtra, Through Police Station Officer, Police Station
Gadge Nagar, Amravati District Amravati

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

Court's or Judge's orders

Mr. Raheel Anwar J. Mirza, Advocate for applicant.

Mr. G. S. Umale, APP for respondent/State.

Mr. Mohammad Sharik M. A. Sheikh, Advocate for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/06/2024

1. By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.131/2024 registered with Police Station Gadge Nagar, Amravati for the offences punishable under Sections 143, 144, 147, 148, 324, 326, 427 and 504 read with Section 149 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by one Sheikh Rizwan Sheikh Mamun Rashid on an allegation that on 05/02/2024 when he was proceeding towards Jamjam Nagar, he was assaulted by the present applicant and other co-accused by means of wooden stick, iron rod and hockey stick etc. due to which he has sustained the injuries. On the basis of said report, police have registered the crime. It is submitted by the learned Counsel for the applicant

that as far as the incident is concerned present applicant is not at all concerned. He is implicated merely because two FIR's at the instance of the present applicant were registered and one FIR is at the instance of his sister-in-law is registered against the informant, and therefore, he is implicated falsely. It is further submitted that the applicant is 60 years old and having Cardiac ailment due to which if he is sent behind bar, his health would be deteriorated. In view of that, the ad-interim protection granted to him deserves to be confirmed. He further submitted that as far as the role of the present applicant is concerned, general allegation is made against him.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that the applicant and other co-accused in furtherance of their common intention assaulted the injured and caused him grievous injury. The custodial interrogation of the present applicant is required and prays for rejection of the application.

4. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. As far as the submissions of the learned Counsel for the applicant that the applicant has filed two FIR's and one FIR is registered at the instance of his sister-in-law has substance. I have also perused the various statement of the witnesses which shows that the general allegations are made against the present applicant. It further reveals that the investigation is practically completed

and nothing is to be recovered from the present applicant. Considering the role attributed to the present applicant, his physical incarceration is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, applicant – **Shaikh Shahezad s/o Shaikh Ahemad** shall be released on anticipatory bail in connection with Crime No.131/2024 registered with Police Station Gadge Nagar, Amravati for the offences punishable under Sections 143, 144, 147, 148, 324, 326, 427 and 504 read with Section 149 of the Indian Penal Code, on executing P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(ii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m., till filing of the charge-sheet and shall cooperate with the investigating agency.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)