



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

CRIMINAL APPLICATION (ABA) NO. 303 OF 2024

Mohammad Zuber Mohammad Kuddus

..VS..

The State of Maharashtra through PSO, P.S. Nagpuri Gate, Dist. Amravati

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

Court's or Judge's orders

Mr. Y.P. Bhelande, Advocate for applicant.

Mrs. Swati Kolhe, 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.38/2024, registered with Police Station Nagpuri Get, Amravati City for the offences punishable under Sections 307, 326 and 504 read with Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. As per the allegations, the informant Rizwan Khan @ Laddu Rahim has lodged the report alleging that there was a previous dispute against him and the present applicant and his family members. On 02.02.2024, at about 4.00 to 4.30 pm. he was watching the volleyball match, at that time present applicant along with other co-accused came on the said ground and assaulted him and other three persons. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned, he was not present at the time of alleged incident. The cross complaint vide Crime No.39/2024 is also registered on the basis of report lodged by Shaikh Rajik Shaikh Kuddus, which shows that the other co-accused have also sustained the injuries in the said incident and the said cross complaint nowhere shows the presence of the present applicant. He submitted that merely because he is the brother of the other co-accused, he is implicated in the alleged offence. Now, his custodial interrogation is not required as nothing is to be recovered from him.

4. Learned APP strongly opposed the application on the ground that the present applicant and other co-accused in furtherance of their common intention assaulted not only to the informant but also other three witnesses. Considering the *prima facie* case, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State and after going through the investigation papers and the statements of the witnesses especially the statement of Mr. Salimmulla, shows that only allegation against the present applicant is that he has assaulted one Naushad by means of fist blows. Thus, except the said allegation, there is no allegations that either the applicant was possessing any weapon or assaulted by the said weapon. Considering the

role of the present applicant, he can be protected by granting anticipatory bail.

6. Accordingly, I proceed to pass following order :

- i) In the event of arrest, the applicant **Mohammad Zuber Mohammad Kuddus**, shall be released on anticipatory bail, in connection with Crime No.38/2024, registered with Police Station Nagpuri Get, Amravati City for the offences punishable under Sections 307, 326 and 504 read with Section 34 of the Indian Penal Code, on executing P.R. Bond 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 on Monday between 10.00 a.m. to 01.00 p.m. and shall co-operate with the investigating agency
- iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness who are acquainted with the facts of the case.
- iv) The applicant shall not indulge in similar type of the activities.

The application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)