



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

CRIMINAL APPLICATION (ABA) NO. 321 OF 2024

Abdul Hamid Mohd. Rafique 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. M.N.Ali, counsel for the applicant.

Mr. A.G.Mate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/07/2024.

1. Present application is preferred by the applicant for grant of pre-arrest bail, in connection with Crime No.118/2024 registered with Police Station Khamgaon City, District Buldhana for the offence punishable under Sections 143, 146, 147, 307, 504, 506 read with Section 149 of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submitted that as per the recitals of the FIR which is lodged by Karamjeet Singh Manmohan Singh Juneja, alleging that due to the previous dispute regarding the open space, the accused persons have constructed the Tin-Shed and therefore, there was a quarrel, and he was assaulted by the present applicant as well as other co-accused. He submitted that as far as the present applicant is concerned, it is alleged that he has assaulted the informant by wooden log on his back, and therefore, he sustained the invisible injury.

3. He submitted that considering the same, the applicant is not the person who has assault on the vital part of the body, immediate custodial interrogation of the applicant is not required. The wooden log is already recovered by the investigating agency and therefore, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that considering the nature of the offence, the custodial interrogation of the present applicant is required and prays for rejection of the application.

5. After considering the submission of the learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR. From which, it shows that the applicant has attempted to assault the injured by means of wooden log but the injured has not sustained any bleeding injury in the said incident. Due to the assault by the present applicant, he has sustained the simple injury. Now, wooden log is also recovered, therefore custodial interrogation of the present applicant is not required. In view of that interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

a) The criminal application is allowed.

- b) The order dated 08/05/2024 is confirmed with similar terms and conditions with direction that the applicant shall attend the concerned police station till filing of the charge-sheet.
- c) The contravention of any of the conditions imposed would lead to cancellation of the bail.
- d) The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]