



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

CRIMINAL APPLICATION (ABA) NO. 335 OF 2024

Abdul Raheman Abdul Sattar and others Vs State of Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO. 349 OF 2024

Mohd. Sahelim Abdul Raheman and others. Vs 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. S.V.Sirpurkar, counsel for applicants.

Mr. K.R. Lule, APP for non-applicant/State.(ABA No. 335/2024)

Ms. Soniya Thakur, APP for non-applicant/State. (ABA No. 349/2024)

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 15/07/2024.

1. Apprehending the arrest, in connection with Crime No. 245 of 2024 registered with Khamgaon City Police Station, District – Buldhana for the offences punishable under Sections 141, 143, 147, 392, 324 read with Section 149 of the Indian Penal Code, 1860 and under Sections 37(1)(3) and 135 of the Maharashtra Police Act, 1951, the applicants approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicants submitted that the accusation against the present applicants is on the basis of the report lodged by Jafar Khan Sattar Khan alleging that due to the previous enmity, he was assaulted by the present applicants and other co-accused and snatched the amount from him. He further alleged that the applicants have also snatched the Mangalsutra from his wife. On the basis of said

report, police have registered the crime against the present applicants.

3. Learned counsel for the applicants submitted that there are cross-complaints lodged against each other, as there was a previous enmity between the two families. He further submitted that, as far as the custodial interrogation is concerned, which is not required, there is no investigation as to the availability of the Mangalsutra with the wife of the informant at the relevant time. He submitted that general allegations are made against the applicants, as far as the custodial interrogation is concerned, which is not required. In view of that, the applicants be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said applications on the ground that custodial interrogation of the applicants is required, as there are specific allegations and they have assaulted the informant by means of stick, and prays for rejection of the applications.

5. After hearing learned counsel for the applicants and learned APP for the State, perused the recitals of the FIR, it reveals that, as far as the present applicants are concerned, the general allegations are made. They have assaulted the deceased by means of a stick. The medical certificate, which is on record shows that Zulkar Nayan Khan has sustained the incised wound, which is not attributed to the present applicants. As far as the other injury certificates are concerned, which shows that blunt trauma or contusion are

received by other prosecution witnesses, including the informant. The allegations against both the applicants are of assault by the sticks. Thus, the role attributed to the present applicants shows that due to the assault by them, the simple injuries are sustained by the injured. Considering the same, their custodial interrogation is not required. In view of that, the interim protection granted to the applicants deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The interim protection granted to the applicants by orders dated 21/05/2024 and 14/05/2024 is confirmed.
- b) The applicants shall produce stick before the investigating officer, and the period of production would be considered as their custody for the purpose of Section 27 of the Indian Evidence Act if they have not produced.
- c) The applicants shall attend the concerned police station once in a week between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]