



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

CRIMINAL APPLICATION (ABA) NO.356 OF 2024

Alim Naik Salik Naik @ Alimoddin Naik Salimoddin Naik
Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Khandala, District Yavatmal

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

Court's or Judge's orders

Mr. Shaharukh Sheikh, Advocate for the applicant.
Ms. Soniya Thakur, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

1. By this application, the applicant is seeking anticipatory bail in connection with Crime No.84/2024 registered with Police Station Khandala, District Yavatmal for the offences punishable under Sections 307, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Naimoddin Najimoddin Siddiki on an allegation that he has purchased the house from one Bebibai. On 21.03.2024, he dug a bore-well, due to which mud and dust was stored in the adjoining land. On 23.03.2024 at about 8.30 a.m., the present applicant along with the other co-accused came in front of his house and called him out of the house. There was hot exchange of words between them and in that the present applicant took a stone and thrown

on his face, due to which he sustained the injury. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that in the said incident cross-complaints are filed. The informant is already released on bail in a cross-complaint. As far as the other accused in the present crime is concerned, they are also released on the anticipatory bail. As far as the present applicant is concerned, the role attributed to him is that he thrown the stone and the informant has sustained the injury on his face. The injury sustained is simple in nature and he is immediately discharged from the hospital. As far as the custodial interrogation is concerned, which is not required. In view of that he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the clothes of the present applicant are to be seized and therefore, his custodial interrogation is required and prays for rejection of the application.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that during the hot exchange of words between the two parties, the informant has sustained the injury as the applicant has thrown stone on his face. As far as the

injury sustained by the present informant is concerned, which is simple in nature, immediately he is discharged from the hospital. Considering the same, the custodial interrogation of the present applicant is not required. As far as the contention of the learned APP is concerned, the clothes of the applicant are required to be seized. The directions can be given to the applicant to produce the same, 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, in connection with Crime No.84/2024 registered with Police Station, Khandala, District Yavatmal for the offences punishable under Sections 307, 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code, the applicant **Alim Naik Salik Naik @ Alimoddin Naik Salimoddin Naik** shall be released on anticipatory bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall produce his clothes which were on his person on the day of incident and the said period will be considered his custody for the purpose of Section 27 of the Indian Evidence Act.

(iv) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(4)

36.aba.356.2024

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate