



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

CRIMINAL APPLICATION (ABA) NO.358 OF 2024

Arbaj @ Raja s/o Akhil Sheikh
Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Tirora,
District Gondia

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

Court's or Judge's orders

Mr. A. M. Chandekar, Advocate for applicant.
Ms. Soniya Thakur, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/08/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.764/2023 registered with Police Station, Tirora, District Gondia for the offences punishable under Sections 364A, 341, 392 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by one Nishid Rupchand Vithole on an allegation that on 24.09.2023 at about 10.00 a.m. he proceeded on his motorcycle to purchase the bullocks and they have purchased the bullocks and when returning from the Bolero Pick up vehicle bearing No. MH-49-D-3807. At the relevant time, another vehicle Scorpio Car MH-24-AC-6000 came in front of their vehicle and four persons got down from the said

vehicle and threatened them as well as snatched the cash amount of Rs.6,000/- from them. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that due to misunderstanding, this FIR was lodged by the informant. Subsequently, there was a settlement between the informant and the present applicant and the other co-accused. The informant has also filed an affidavit before the Division Bench wherein the applicant has filed an application for quashing of FIR. Wherein he has stated that out of misunderstanding and in the heat of anger he has lodged the FIR against the applicant and the others.

4. Having heard the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the affidavit filed by the informant before the Division Bench, wherein it is specifically stated that they have settled the dispute amongst themselves and he has in clear words stated that due to the hot exchange of words and in the heat of anger, they have lodged the FIR. Now the amount is also received by them. 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.764/2023 registered with Police Station, Tirora, District Gondia for the offences punishable under Sections 364A, 341, 392 read with Section 34 of the Indian Penal Code, the applicant **Arbaj @ Raja s/o Akhil Sheikh** 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 attend the concerned Police Station as and when required for the investigation purpose.

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

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)