



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

CRIMINAL APPLICATION (ABA) NO. 374 OF 2024

Mohammad Aaquib Khan s/o Mohammad Yaqub Khan
V/s
State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.J. Mirza, counsel for the applicant.

Mr. N.B. Jawade, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 123/2024 registered with Police Station Ramdaspath, District Akola for the offence punishable under sections 307, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The accusations against the present applicant is on the basis of report lodged by the informant, on an allegation that he is the member of Peace Committee of Akola City, and he has obtained the room from the Laal Bangla Trust for running the Tours and Travel Business. Prior to eight days, Ibrahim Khan Kareem Khan has demolished the construction of his room. It is further alleged that on 13/03/2024 at about 5.00 p.m. when he had been to the hotel of the father-in-law of the present applicant, present applicant came there and gave a blow of Sabbal on the head of his son. Thereafter

again, he was about to give a blow, but he restrained him. At that time, he was restrained by his another son and therefore, his another son has also sustained the injuries. On the basis of said report, police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that the Sabbal is recovered from the spot itself. The informant and the injured were the aggressors at the spot of incident. As far as the presence of the applicant is concerned, the applicant is falsely implicated. He further submitted that considering that Sabbal is already recovered, and the custodial interrogation of the applicant 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 considering the major role attributed to the present applicant, his custodial interrogation is required and therefore, the application deserves to be rejected.

5. Learned counsel for the complainant also endorsed the same contention and submitted that, vital role is attributed to the present applicant and therefore, his custodial interrogation is required and prays for rejection of the application.

6. After hearing learned counsel for the applicant, learned APP for the State and counsel for the complainant, perused the investigation papers. As far as the present applicant is concerned, it is specifically alleged that he has given a blow of Sabbal on the head of the son of the

informant, as well as also given a blow, which was received by the another son on his head. As far as the injury to the Abrar Khan is concerned, which is not substantiated by any medical report. As far as the medical certificate of Gulrej Khan is concerned, he has received the blunt trauma to head. The Sabbal is already recovered from the spot of incident. As far as the prosecution, the custodial interrogation is required to interrogate the present applicant which can be taken care of by imposing the certain conditions. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] In the event of arrest, in connection with Crime No. 123/2024 registered with Police Station Ramdaspath, District Akola for the offence punishable under sections 307, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant – Mohammad Aaquib Khan s/o Mohammad Yaqub Khan, shall be released on anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. and shall cooperate the investigating agency.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]