



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

CRIMINAL APPLICATION (ABA) NO. 392 OF 2024

Jafar Khan Sattar Khan and others 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. Sachin Sambre, counsel for applicants.

Mr. Ganesh Umale, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/06/2024.

1. Apprehending the arrest at the hands of Police, in connection with Crime No. 244/2024 registered with Police Station Khamgaon City Police Station, Buldhana for the offences punishable under Sections 141, 143, 147, 392, 324 read with Section 149 of the Indian Penal Code, 1860, and Section 37(1), 37(3) and Section 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 cross-complaints are registered against each other. Applicant No.1 has also lodged the report against the informant and crime is registered against the informant vide Crime No. 245/2024. Due to the previous dispute, there was a scuffle between the family members and in that scuffle, the injured have sustained the injury. He further submitted that all the injured have sustained simple injuries. As far as the custodial interrogation is concerned, the applicants shall

be ready to cooperate with the investigating agency. In view of that, they be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application on the ground that not only the incident of assault but the applicants have also stolen the cash amount of Rs. 22,800/- from the cash-box of the informant, that amount is to be recovered from them, and therefore, custodial interrogation is required. He further submitted that the applicants have used weapons like sticks and iron pipes, which are to be recovered, and therefore, custodial interrogation is required. In view of that, criminal application deserves to be rejected.

4. After hearing learned counsel for the applicants and learned APP for the State, perused the investigation papers. From which, it reveals that, on 05/05/2024, there was a scuffle between the two families and between that scuffle, the family members of both the families sustained the injuries. From the recitals of the FIR, no role is attributed to applicant No.1 i.e. Jafar Khan Sattar Khan regarding the assault. As far as the other applicants are concerned, they have alleged to be used weapons like a stick and the iron rod. The injuries sustained by the injured are simple in nature, and immediately they are discharged from the hospital. The contention of the learned APP is that weapons are yet to recovered is concerned, can be taken care of by imposing certain conditions on the present applicants. As far as stealing the amount of Rs. 22,800/- is concerned, the investigating officer has not carried out any investigation to

show that, that much amount was available in the cash-box, due to the sale of articles, which were kept in the said pouch of the informant. Considering the same, the criminal application is allowed. Accordingly, I proceed to pass the following order:

ORDER

- a) The criminal application is allowed.
- b) In the event of arrest, the applicants – (1) Jafar Khan Sattar Khan (2) Ajim Khan Firoz Khan (3) Muzaffar Khan Sattar Khan (4) Hasnain Khan Jafar Khan and (5) Aftab Khan Firoz Khan, in connection with Crime No. 244/2024 registered with Police Station Khamgaon City Police Station, Buldhana for the offences punishable under Sections 141, 143, 147, 392, 324 read with Section 149 of the Indian Penal Code, 1860, and Section 37(1), 37(3) and Section 135 of the Maharashtra Police Act, 1951, shall be released on anticipatory bail on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c) The applicants shall produce the incriminating weapons sticks and iron pipe before the investigating officer and the said period shall be considered as their custody for the purpose of Section 27 of the Indian Evidence Act, 1872.

- d) The applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- e) The applicants 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.]