



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

CRIMINAL APPLICATION (ABA) NO. 418 OF 2024

Mohd. Shakir Mohd. Hanif 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 the applicant.

Ms. T.H. Udeshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/07/2024.

1. Apprehending the arrest at the hands of Police, in connection with Crime No. 28/2024 registered with Police Station Pimpalgaon Raja, Tq. Khamgaon, District Buldhana for the offence punishable under Sections 143, 147, 148, 149, 324, 326, 506 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant apprehends his arrest at the hands of police, as crime is registered on the basis of a report lodged by Zulkhar Khan Majhar Khan, on an allegation that there is a dispute between his family members and the present applicant. On 22/01/2024, at about 11.45 a.m. when he had been to his agricultural field along with his brother - Faizan Khan and they were cultivating the land, at the relevant time, the present applicant, alongwith other co-accused, came into the agricultural field holding weapons like sickle, sticks in their hands, and he as well as his brother were assaulted by the present applicant. Due to his assault

by the present applicant, he as well as his brother sustained the injuries. On the basis of the said report, the police have registered the crime against the present applicant.

3. Learned counsel Mr. S.V.Sirpurkar for the applicant submitted that as far as the role of the present applicant is concerned, which is similar to the other co-accused who are already released on bail by this Court in the event of their arrest. He further submitted that now investigation is already completed and charge-sheet is about to file, in view of that custodial interrogation of the present applicant is not required. He further submitted that the weapons which are used by the present applicant and the other co-accused are already seized. In view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the said application and submitted that the present applicant has not only assaulted the informant but also his brother and both have sustained grievous injuries. The Brother of the informant has sustained the fracture injuries. Thus, considering the role of the present applicant who has given a blow by the sharp weapons on the vital part of the body, the custodial interrogation of the present applicant is required. She further submitted that the consideration that, the custodial interrogation is not required cannot be the sole ground to grant the anticipatory bail to the applicant. She submitted that the role of the present applicant requires to be taken

into consideration, in view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. From which it reveals that due to the assault by the present applicant, not only the informant but the brother of the informant has also sustained the injuries. Medical Report shows that they both have sustained the grievous injuries even the brother of the informant has sustained fracture injuries, and for which he was treated for a long duration.

6. Considering the role attributed to the present applicant who has used the sharp weapons in the assault, as well as given the injury on the vital part of the body shows his intention. Considering the role attributed to the present applicant, merely because his custodial interrogation is not required, discretion cannot be used in his favour. The role and gravity of the act is to be taken into consideration, therefore application for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass the following order;

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]