



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.447 OF 2024

(Sohel @ Bawal @ Bawali Ahmad Ansari s/o Ishteyaque Ahmad Ansari Vs. The 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.S. Ullah, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the State.

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

Apprehending the arrest at the hands of police in connection with Crime No.114/2024 registered with Police Station Kapil Nagar, Nagpur for the offence punishable under Sections 143, 147, 148, 307, 427, 504 read with Section 149 of the Indian Penal Code and Sections 3, 4, 5, 25 and 27 of the Arms Act, 1959, the applicant approached to this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned except his presence no overt act as attributed to him. He submitted that as per the allegations the co-accused and the present applicant on 15/03/2024 in the month of Ramzan came in a Car and the co-accused Shadab fired a bullet towards the injured and the injured has sustained the injuries. He further submitted that, now the investigation is completed and charge-sheet is filed. As far as the role of the present applicant is concerned except his

presence along with the other co-accused no overt act is attributed to him. In view of that, his custodial interrogation is not required, and therefore, he be released on anticipatory bail.

3. Learned APP strongly opposed the application and submitted that there are criminal antecedents against the present applicant. As far as the role of the present applicant is concerned he was sharing the common object along with the co-accused. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the recitals of the FIR as well as the investigation papers. From the statements of the witnesses and the statement of the injured the only role attributed to the present applicant that he was all the way present along with the co-accused. As far as the overt act is concerned no overt act is attributed to him. In view of that and considering now the investigation is completed and charge-sheet is filed, his custodial interrogation is not required. Hence, the applicant can be protected by granting anticipatory bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant – Sohail @ Bawal @ Bawali Ahmad Ansari s/o Ishteyaque Ahmad Ansari in connection with Crime No.114/2024 registered with Police

Station Kapil Nagar, Nagpur for the offence punishable under Sections 143, 147, 148, 307, 427, 504 read with Section 149 of the Indian Penal Code, Sections 3, 4, 5, 25 and 27 of the Arms Act, 1959, 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 once in a week i.e. on every Sunday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency, till the supplementary charge-sheet is filed against him.

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

(v) The applicant shall not enter into the vicinity of Kamar Colony, Kamgar Nagar, Nagpur till the culmination of the trial.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)