



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

CRIMINAL APPLICATION (ABA) NO. 456 OF 2024

Karim Khan Rahim Khan

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Old
City, Akola, District Akola

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

Court's or Judge's orders

Mr. M. Z. Haq, Advocate for applicant.

Ms. M. A. Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 07/08/2024

1. Apprehending the arrest at the hands of police, in connection with Crime No.242/2024 registered with Police Station Old City, Akola, Taluka and District Akola for the offences punishable under Sections 143, 147, 307, 324, 326 read with Section 149 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. As per the accusation, there was a previous dispute between the present applicant and the family members of the informant, and on that count, on 14/04/2024, the informant and his brother were assaulted by the present applicant and other co-accused.

3. The learned counsel for the applicant submitted that, as far as the present applicant is

concerned, the role attributed to him is that he has assaulted one injured by means of iron pipe. Due to which, the brother of the informant has sustained an invisible injury. She submitted that considering the role of the present applicant, his custodial interrogation is not required. The iron pipe is already recovered as the applicant has produced the same as per the directions of this Court, in view of that, custodial interrogation is not required.

4. The learned APP strongly opposed the said application on the ground that, the applicant has not only assaulted the brother of the informant but the informant also. The informant has sustained the fracture injury and therefore, custodial interrogation of the present applicant is required.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the medical certificates of the injured. The injured Riyaz Khan Firoz Khan has sustained the fracture injury, whereas Sheikh Mohsin has sustained the simple injury and he is already discharged from the hospital. As far as the role attributed to the present applicant is concerned, he has assaulted the informant as well as the Riyaz Khan by means of iron pipe which is already recovered. The investigation appears to be practically completed though charge-sheet is not filed. Considering that weapon is already recovered, the relevant statements

are already recorded, the custodial interrogation of the present applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the present applicant by order dated 28.06.2024, in connection with Crime No.242/2024 registered with Police Station Old City, Akola, Taluka and District Akola for the offences punishable under Sections 143, 147, 307, 324, 326 read with Section 149 of the Indian Penal Code, 1860 is hereby confirmed with the similar condition. The applicant shall attend the concerned Police Station as directed by this Court, till the filing of the charge-sheet. The other conditions imposed on the applicant would remain as it is.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)