



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

**CRIMINAL APPLICATION (ABA) NO.448/2024**

Nadim Ahemad Mohd. Imam Bhawaniwale and another Vs. State of Maharashtra thr.  
P.S.O., P.S. Malegaon, Tq. Malegaon, Dist. Washim

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

Court's or Judge's orders

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Shri S.D. Chande, Advocate for applicant  
Ms H.N. Prabhu, APP for respondent/State

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 29/07/2024**

By this application, the applicants are seeking pre-arrest bail in connection with Crime No.208/2024 registered with Police Station Malegaon, District Washim for the offences punishable under Section 307 read with Section 34 of the Indian Penal Code.

2. The learned Counsel for applicants withdraws the application as far as the applicant No.1 is concerned. As far as the applicant No.2, he submitted that there was a scuffle between the family members of the informant and the present applicants and in that scuffle, the co-accused has assaulted by means of knife and allegations against the present applicant is that he is assaulted by fists and kick blows. As far as the applicant No.2 is concerned, his custodial interrogation is not required.

3. Learned APP strongly opposed the application on the ground that in furtherance of common intention, both the applicants have assaulted the injured who have sustained grievous injury and

therefore, the application deserves to be rejected.

4. Heard learned Counsel for the applicant and learned APP for the State, perused the investigation papers. As far as the applicant No.1 is concerned, whose application is withdrawn, against whom the allegations of assault by knife are levelled. As far as the applicant No.2 is concerned, he has not used any weapon, his custodial interrogation is not required. The allegations is only to the extent of assault by fists and kick blows. In view of that the interim protection granted to him deserves to be confirmed. Accordingly, I proceed to pass the following order:

**ORDER**

(i) Interim protection to the applicant No.2- **Yasin Kasam Choudhari**, by order dated 27/06/2024 is hereby confirmed with the similar terms and conditions.

(ii) The application of the applicant No.1 stands disposed of as application is withdrawn to the extent of applicant No.1.

5. The application is disposed of.

**JUDGE**

*R.S. Sahare*