



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

CRIMINAL APPLICATION (ABA) NO.458 OF 2024

(Mohammad Asif s/o Mohammad Yakub and ors. 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. A.B. Mirza, Advocate for the applicants.
Mr. C.A. Lokhande, APP for the State.

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

Heard.

2. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.135/2024 registered with Police Station Telhara, District Akola for the offence punishable under Sections 341, 354, 354-D, 366, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

3. The allegation against the present applicants is on the basis of report lodged by the victim alleging that the co-accused - Mohammad Yasin Mohammad Aasif was following her for 3 to 4 years and as she did not respond, he consumed poison, and thereafter, she was threatened by all the relatives of the co-accused-Mohammad Yasin that, if she did not perform the marriage with the Mohammad Yasin, he will consume poison and caused his own death, then they will not spare her and she was abused on that count also.

4. It is further alleged that, on 02/06/2024, when she had been to tuition, at that time she was abducted and brother of the Mohammad Yasin has threatened her, that he will kill her. She was also abused by the present applicants. On the basis of the said report, police have registered the crime against the present applicants.

5. Learned Counsel for the applicants submitted that there was a love affair between the said Mohammad Yasin Mohammad Aasif and the victim girl. Merely because of the pressure of the parents, she has lodged the FIR. He submitted that as far as the present applicants are concerned, only allegation to the extent of abusing to the informant. Therefore, the custodial interrogation of the applicants is not required. He has already cooperated with the investigating agency after he is released on ad-interim anticipatory bail.

6. Learned APP strongly opposed the application on the ground that not only abuses by the present applicants but they have pelted stones towards her. Considering the allegations against them the anticipatory bail application deserves to be rejected.

7. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the allegation against the present applicants is

only to the extent of abuses, as far as the allegation of pelting of the stone is concerned which is general in nature. The applicants are already protected by granting ad-interim anticipatory bail and they have co-operated with the investigating agency, there is no complaint regarding the tampering of the witnesses or hampering of the investigation. Considering the same, the interim protection granted to the applicants deserves to be confirmed.

8. Hence, the application is allowed and the interim protection granted to the present applicants vide order dated 28/06/2024 is hereby confirmed on the same terms and conditions imposed by this Court.

9. The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. and 1.00 p.m. till filing of the charge-sheet and shall cooperate with the investigating agency.

10. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)