



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

CRIMINAL APPLICATION (ABA) NO. 532 OF 2024

Sabir s/o Jamil Malnas

Vs.

State of Maharashtra, Thru. PSO Arni, Tq. Arni, District - Yavatmal

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. T.M. Manas, Advocate for applicant.

Ms. Trupti Udeshi, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 08.08.2024

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.347/2024 registered with Police Station Arni, District – Yavatmal, for the offence punishable under Sections 143, 147, 148, 295, 307, 364, 397, 427, 452 and 504 read with Section 149 of the Indian Penal Code.

3. Learned counsel for the applicant submitted that the accusation against the present applicant is on the basis of report lodged by Shivam Pradip Dhole alleging that the present applicant and other co-accused entered in his hotel and threatened

him and also caused damage to the articles which were in his hotel. They have also assaulted him by fists and kick blows. Out of them, one co-accused Sheikh Anas and Sheikh Asif assaulted him by means of iron rod and one of them has snatched Rs.4,000/- from his pocket. On the basis of the said report, police have registered the crime against the present applicant. He submitted that as far as present applicant is concerned, his name is not mentioned in the FIR and only allegation is that of the assault by fists and kick blows. As far as the allegation regarding the snatching of the amount is concerned, which is against unknown person. The custodial interrogation of the present applicant is not required.

4. Learned APP for the State strongly opposed the said application on the ground that in furtherance of the common object, the present applicant and other co-accused entered in the hotel, they used the motor cycle in the commission of the crime. The present applicant's custodial interrogation is required for the seizure of the motor cycle and therefore, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR, considering the role attributed to the present applicant, he has made out a case for grant of anticipatory bail, as only allegation against him is that he has assaulted by means of fists and kick blows. The other co-accused is already protected by this Court by granting anticipatory bail. Accordingly, I proceed to pass following order : -

ORDER

- (a) The criminal application is allowed.
- (b) In the event of the arrest the applicant **Sabir S/o Jamil Malnas** is released on anticipatory bail in connection with Crime No.347/2024 registered with Police Station Arni, District – Yavatmal, for the offence punishable under Sections 143, 147, 148, 295, 307, 364, 397, 427, 452 and 504 read with Section 149 of the Indian Penal Code on executing PR bond of Rs.25,000/- with one solvent surety in the like amount.
- (c) The applicant shall produce his motor cycle which was used in the commission of the crime and the said period will be considered as his custody for the purpose Section 27 of the Indian Evidence Act.

(d) The applicant shall attend the concerned Police Station on every Monday between 10:00 a.m. to 1:00 p.m. till filing of the charge-sheet.

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

6. The criminal application is disposed of accordingly.

(SMT. URMILA JOSHI PHALKE, J)