



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

Criminal Application (ABA) No. 526 of 2024

Sk. Samu @ Aiteshmoddin S/o Sk Mohib

Versus

The State of Maharashtra through Police Station Officer, Arni, Tq. Arni,
District Yavatmal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri T.M.Manas, Advocate a/w Shri M.R.Deshmukh,
Advocate for the applicants.

Ms. T.H.Udeshi, APP for the non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.
DATED : 6th AUGUST, 2024.**

By this application, the application is seeking pre-arrest bail in connection with Crime No. 347 of 2024 dated 20th April, 2024 registered with Arni Police Station, District Yavatmal for the offence punishable under Sections 143, 147, 148, 149, 307, 397, 364, 294, 427, 452, 504 of the Indian Penal Code.

2. 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 present applicant and other co-accused entered in his hotel, threatened him and also caused damage to the articles which were in his hotel. They have also assaulted by fists and kick blows. Out of them

co-accused Sheikh Anas and Sheikh Asif assaulted him by means of iron rod and one of the persons has snatched Rs.4000 from his pocket. On the basis of the said report the police have registered the crime against the present applicant. He submitted that as far as the present applicant is concerned, it is only alleged he has assaulted him by fist and kick blows. As far as the allegations regarding the application of section 397 of Indian Penal Code is concerned, which is against the unknown person. The custodial interrogation of the present applicant is not required.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application on the ground that in furtherance of the common object the present applicant and other co-accused entered in the hotel and they have used the motor-cycle in the commission of the crime. The present applicant has not produced the said motor-cycle and therefore the custody of the present applicant is required for seizure of the said motor-cycle.

4. After hearing learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State and perused the recitals of the First Information Report. Considering the role attributed to the present applicant, he has made out the case for grant of anticipatory bail on imposing the

certain conditions. Accordingly, I proceed to pass the following order.

- (i) The criminal application is allowed
- (ii) In the event of arrest the applicant Sk. Samu @ Aiteshmoddin S/o Sk Mohib in connection with Crime No. 347 of 2024 dated 20th April, 2024 registered with Arni Police Station, District Yavatmal for the offence punishable under Sections 143, 147, 148, 149, 307, 397, 364, 294, 427, 452, 504 of the Indian Penal Code, he shall be released on anticipatory bail on executing the PR Bond of Rs. 35,000/- with one solvent surety in the like amount
- (iii) The applicant shall attend the concerned police station on every Monday between 10 am to 1 pm till filing of the chargesheet.
- (iv) He shall produce the motor-cycle which was used in the commission of the crime and the said period will be considered as his custody for the purpose of Section 27 of the Indian Evidence Act.
- (v) He shall co-operate the Investigating Agency.

The Criminal Application is disposed of.

[URMILA JOSHI-PHALKE, J.]