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21.aba.547.2024

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

CRIMINAL APPLICATION (ABA) NO.547 OF 2024

Abdul Khalique @ Mohammad Khalique s/o Mohammad Umar
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Shirajgao Kasba, District Amravati

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

Court's or Judge's orders

Mrs. Maira Ateeb, Counsel for the applicant through video conferencing.
Mr. A. J. Ghokar, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/08/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.82/2024 registered with Police Station, Shirajgao Kasba, District Amravati for the offences punishable under Sections 143, 147, 148, 323, 324, 504, 506 and 326 read with Section 149 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Fareen Kausar Salman Khan who is the daughter of the injured on an allegation that on 07.03.2024 there was a marriage ceremony of her relatives and to attend that ceremony, she along with her mother and sister came at the spot. It was further alleged that on 08.03.2024 during the reception ceremony in the village, the accused No.1

and her relatives looked towards her and there was a dispute on that count, at the relevant time the present applicant holding the iron rod in his hand and he lifted it to give a blow on the head of the informant, at the relevant time her mother intervened and the said iron rod hit her mother, due to she fallen on the ground and sustained the injuries. On the basis of the said report police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the intention of the present applicant is concerned, it nowhere reveals from the statement of the informant in the First Information Report. Moreover, the injured has sustained the injuries as she fallen on the ground. She submitted that the applicant is old aged person and his custodial interrogation is not required, considering the recitals of the FIR. As far as the seizure of the incriminating weapon is concerned, the applicant is ready to produce the same, in view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application and submitted that the injuries sustained by the injured is of a grievous nature. The custodial interrogation of the present applicant is required. Even informant has also received the injuries. Considering the *prima facie* case against the present applicant, 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 as well as the various statements of the witnesses including the statement of the injured. From which it reveals that as she intervened in the quarrel when the present applicant has lifted the weapon to give a blow on the person of the informant and it hit the injured, due to which the injured fallen on the ground and sustained injuries. As far as the seizure of the incriminating weapon is concerned, it can be taken care of by directing the present applicant to produce the same before the Investigating Officer. In view of that application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest in connection with Crime No.82/2024 registered with Police Station, Shirajgao Kasba, District Amravati for the offences punishable under Sections 143, 147, 148, 326, 323, 324, 504 and 506 read with Section 149 of the Indian Penal Code, the applicant **Abdul Khalique @ Mohammad Khalique s/o Mohammad Umar** shall be released on anticipatory bail, on executing PR Bond of Rs.25,000/- with one solvent surety of the like amount.

(ii) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the investigating agency.

(iii) The applicant shall produce the iron rod before the Investigating Officer and the said period shall be considered as his custody for the purpose of Section 27 of the Indian Evidence Act.

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)