



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

CRIMINAL APPLICATION (ABA) NO.555 OF 2024
(Wasim Beg Kasam Beg Vs. The 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. M.N. Ali, Advocate for the applicant.
Mr. K.R. Lule, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 21, 2024

Apprehending the arrest at the hands of police in connection with Crime No.146/2024 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 307, 323, 324, 504 read with Section 34 of the Indian Penal Code, 1860, the applicant approached to this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the accusations against the present applicant is on the basis of report lodged by Sheikh Kalim Sheikh Suleman alleging that he and the present applicant are neighbors. On 07/03/2024, there was a quarrel between the present applicant and him on account of playing of the children on the open plot. At the relevant time, the co-accused has assaulted the brother of the informant by fist and slap as well as the other co-accused Nasim Beg has given a blow by knife on the person of the injured Sheikh Salim Sheikh Suleman due to which the injured has sustained the grievous injuries. As far as present applicant is concerned

it is alleged that at the relevant time, he caught hold the hands of the injured and thereafter the co-accused has given a blow of knife. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant further submitted that as far as the role attributed to the present applicant is concerned which is only to the extent of catching hold to the injured. He has not assaulted to the injured or there is no allegation that any overt act is committed by the present applicant. Now investigation is completed and charge-sheet is filed. The weapon of the offence as well as blood stained cloths are already recovered, therefore, custodial interrogation of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that considering that the act was executed in furtherance of the common intention due to the previous dispute between them. Though the investigation is completed, there is apprehension of tampering of the witnesses, in view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the recitals of the FIR as well as the statement of the injured and the statements of the eye-witnesses from which it reveals that the role attributed to the present applicant that he has hold the

hands of the injured and thereafter other co-accused has given a blow of knife on the person of the injured. Admittedly, *prima facie* case is made out against the present applicant but considering now the investigation is already completed and charge-sheet is already filed. The incriminating article i.e. weapon is already recovered and the blood stained cloths are also recovered. Hence, the custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of the arrest, the applicant - Wasim Beg Kasam Beg in connection with Crime No.146/2024 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 307, 323, 324, 504 read with Section 34 of the Indian Penal Code, 1860, be released on anticipatory bail on executing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the

investigating agency, if the investigating agency needs to investigate as far as the role of the present applicant is concerned.

(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.)

**Divya*