



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

CRIMINAL APPLICATION (ABA) NO.615 OF 2024
(Aquib Sajjad Mujeebullah Khan 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. M.N. Ali, Advocate for the applicant.
Mr. A.R. Chutke, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 12, 2024.

Heard.

2. Apprehending the arrest at the hands of police in connection with Crime No.382/2024 registered with Police Station Akot File, District Akola for the offences punishable under Sections 3(5), 118(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, the applicant approached this Court for grant of pre-arrest bail.

3. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by the father of the victim boy alleging that on 27.07.2024 his 14 years old son who was admitted for the religious education in Darul Ulum, Akola Madarsa and he resides in the said Madarsa premises. It was revealed to him on inquiry with his son that he was asked to bring the contraband articles like Ghutkha and tobacco and for that purpose, he was assaulted by the co-accused. As far as the

present applicant is concerned, it is alleged that he has threatened the boy. On the basis of the said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that considering the allegation which is only to the extent of threatening, his custodial interrogation is not required. In view of that, the interim protection granted to the applicant deserves to be confirmed.

5. Learned APP strongly opposed the said application and submitted that a minor boy was threatened as well as assaulted by the applicant and other co-accused in furtherance of their common intention, in view of that prayer for grant of anticipatory bail deserves to be rejected.

6. I have heard learned Counsel for both the parties. After considering the entire investigation papers and material on record which reveals that only allegation against the present applicant is to the extent of threatening to the boy, therefore, his custodial interrogation is not required. In view of that the interim protection granted to the applicant deserves to be confirmed.

7. Hence, the application is allowed. The interim protection granted to the applicant vide order dated 23.08.2024 is hereby confirmed on the same terms and conditions.

8. The applicant shall attend the concerned Police Station on Monday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the investigating agency, till filing of the charge-sheet.

(URMILA JOSHI-PHALKE, J.)

**Divya*