



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

CRIMINAL APPLICATION (ABA) NO.717 OF 2024

Arif Khan Rais Khan

Vs.

State of Maharashtra, Through D.G.P. and P.P. Buldhana for Police Station
Officer Chikhli

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

Court's or Judge's orders

Ms. Anjali A. Agrawal, Counsel for the applicant.
Ms. Kavita Bhongde, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/11/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.513/2024 registered with Police Station Chikhli, District Buldhana for the offence punishable under Sections 3(5) and 105 of Bhartiya Naya Sanhita, 2023 (for short 'B.N.S.'), the applicant approached this Court for grant of pre-arrest bail.

2. The allegation against the present applicant and other co-accused is that they, along with the deceased, have attended the birthday party, and in that birthday party, one of the friends, Arif Khan, has brought a poisonous snake, and the deceased has taken it in his hand, and due to the snake biting the death of the deceased is caused. On the basis of the said report, police have registered the crime against the present applicant.

3. The learned Counsel for the applicant submitted that it was merely an accident. It was the deceased who took the said snake in his hand and due to the snake biting, his death is caused. There is neither intention nor knowledge to cause the death of the deceased. The other co-accused are already released on bail. In view of that, the applicant be released on bail by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the present applicant and the other co-accused have brought the poisonous snake and intentionally it was handed over to the deceased and the death of the deceased is caused.

5. After hearing both the sides and perused the recitals of the FIR and the investigation papers from which it reveals that, the death is caused due to the snake biting. As far as the intention is concerned, there is no material on record to show that with intention to cause the death it was brought in the birthday party. It is apparent that the deceased has taken snake in his hand and accidentally the death of the deceased is caused. At the most, the knowledge is attributable to the present applicant. Considering the nature of the crime and the allegation, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant – **Arif Khan Rais Khan**, shall be released on anticipatory bail, in connection with Crime No.513/2024 registered with Police Station Chikhli, District Buldhana for the offence punishable under Sections 3(5) and 105 of Bharatiya Nyaya Sanhita, 2023, on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

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

(iv) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)