



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

CRIMINAL APPLICATION (ABA) NO. 765 OF 2024

Mohd. Anis Mohd. Hanif Sheikh 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. P.S. Jaiswal, counsel for the applicant.

Ms. Kavita Bhondge, A.P.P for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.337/2024 registered with Police Station Sakkardara, Nagpur, District Nagpur for the offence punishable under Sections 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that as far as the allegation against the present applicant is concerned, which is only to the extent of catching hold of the injured i.e. also after the incident. Thus, considering the role of the present applicant, no overt-act is attributed to him therefore, his custodial interrogation is not required. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that considering the fact that injured has sustained grievous injuries and the present applicant has

assisted the other co-accused in the commission of the crime. The application deserves to be rejected.

4. After hearing both sides and on perusal of the investigation papers, it reveals that the role attributed to the present applicant is only to the extent of catching hold, i.e. also after the incident. Thus, considering the role, the applicant has made out a case for grant of anticipatory bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] In the event of the arrest, the applicant - Mohd. Anis Mohd. Hanif Sheikh in connection with Crime No.337/2024 registered with Police Station Sakardara, Nagpur, District Nagpur for the offences punishable under Sections 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.
- b] The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either personally or by way of electronic media.

- d] On failure to attend the concerned police station the protection granted to the applicant deserves to be cancelled.

The criminal application is allowed and **disposed of.**

[URMILA JOSHI-PHALKE, J.]