



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

CRIMINAL APPLICATION (ABA) NO.778 OF 2024

(Nafis @ Bunty s/o Abrar 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. R.H. Rawlani, Advocate for the applicant.
Ms S. Haider, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 22, 2024

Apprehending the arrest at the hands of police in connection with Crime No.489/2024 registered with Police Station Kalamna, Nagpur, District Nagpur for the offences punishable under Sections 143, 147, 148, 201, 307, 323, 506(B) 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 Mukesh Raju Gautam on an allegation that on 08/06/2024, there was altercation of words between the informant and the other co-accused. At the relevant time, co-accused has assaulted him by means of knife and at the relevant time present applicant has hold him. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned which is very limited only to the extent of holding the injured. As far as the other co-accused is concerned who

has given the blow by knife is already released on bail by the Sessions Court. Now, investigation is already completed and charge-sheet is filed. As far as the custodial interrogation of the applicant is concerned, considering his role nothing is to be recovered from him. Now, the injured is also discharged from the hospital. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that considering that with common intention, the injured was assaulted by the present applicant and other co-accused, his custodial interrogation is required. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the limited role is attributed to the present applicant only to the extent of holding the injured at the time of the assault when the other co-accused has given the blow of knife on person of the injured. Now, investigation is completed and charge-sheet is filed and the injured is discharged from the hospital. There is no apprehension that the injuries would cause his death. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant - Nafis @ Bunty s/o Abrar Sheikh in connection with Crime No.489/2024 registered with

Police Station Kalamna, Nagpur, District Nagpur for the offences punishable under Sections 143, 147, 148, 201, 307, 323, 506(B) read with Section 149 of the Indian Penal Code, be released on anticipatory bail, on executing P.R. Bond in the sum 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 either personally or by way of electronic media.

(iv) The applicant shall not enter into the vicinity of Om Nagar, Bharatwada, police station Kalamna, Nagpur City, till culmination of the trial.

(v) The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(vi) The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)