



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (ABA) NO. 780 OF 2024

Ashafaque Ahmad Abdul Hafees Qureshi

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Nagpuri Gate, Amravati, District Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.R. Agrawal, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

Mr. Z.Z. Haq, counsel for Complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/12/2024.

1. Present application is preferred by the applicant for grant of pre-arrest bail in connection with Crime No.277/2024 registered with Police Station, Nagpuri Gate, Amravati, District Amravati for the offences punishable under Sections 309(6) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by the informant Illiyas Ahmad Aziz Ahmad alleging that he is a businessman and running a business of a clothes shop. On 07/08/2024 there was a dispute between the present applicant, the other accused, and the informant, and during that dispute, he was assaulted by the co-accused as well as the present applicant, and the amount of Rs. 1,00,000/- was snatched from his pant pocket. On the basis of the said report, police registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the recitals of the FIR are concerned, which show that the informant has exaggerated his version. In the supplementary statement, informant has changed his version, and stated that the amount of Rs. 25,000/- was snatched. There is no material collected that such amount was available in his cash box or in his pocket on that day. He further submitted that the other co-accused are already released on bail, as far as the allegations regarding the assault are concerned, which are general in nature. The informant is already discharged from the hospital. Thus, the custodial interrogation of the present applicant is not required.

4. Learned APP and learned counsel for the complainant strongly opposed the said application on the ground that the amount is yet to be recovered, and the photographs of the injured show that the injured has sustained the bleeding injury due to the assault by the present applicant and other co-accused. Therefore his custodial interrogation is required, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the recitals of the FIR, admittedly the involvement of the present applicant appears to be there, as general allegation is levelled against him. Moreover, there is no investigation as far as the availability of the said amount to the informant. Thus, considering the injury sustained by the

informant, which are simple in nature. Moreover, he is already discharged from the hospital, and immediate custodial interrogation of the present applicant is not required. As far as the interrogation part is concerned, which can be taken care of by imposing the certain conditions. In view of that, I proceed to pass following order:

ORDER

- a] The criminal application is allowed.
- b] In the event of arrest in connection with Crime No.277/2024 registered with Police Station, Nagpuri Gate, Amravati, District Amravati for the offences punishable under Sections 309(6) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant **Ashafaque Ahmad Abdul Hafees Qureshi** shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned Police Station twice in a week on Monday and Saturday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency till filing of the charge-sheet.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]