



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

CRIMINAL APPLICATION (ABA) NO.786 OF 2024

(Aziz Khan Mahboob Khan Vs State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.794 OF 2024

(Mohit Khan s/o Mustufa 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

ABA No.786/2024

Mr. P.R. Agrawal, Advocate for the applicant.

Mrs. H.N. Prabhu, APP for the State.

ABA No.794/2024

Mr. R.J. Shinde, Advocate for the applicant

Mr. S.V. Narale, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 29, 2024

CRIMINAL APPLICATION (ABA) NO.786 OF 2024

Apprehending the arrest at the hands of police in connection with Crime No.224/2024 registered with Police Station Sarmaspura, Taluka Achalpur, District Amravati for the offences punishable under Sections 121(1), 125, 132, 189(2), 190, 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023, the applicant – Aziz Khan Mahboob Khan approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel Mr. Agrawal for the applicant – Aziz Khan Mehboob Khan who submitted that as far as the recitals of the FIR is concerned general

allegation is made against the present applicant. The custodial interrogation of the present applicant is not required. It is alleged that the applicant and the other co-accused who along with 20-25 persons gathered and pelted stones towards the police officials in which the police officials have sustained the injuries. He further submitted that considering the general allegation levelled against the present applicant nothing is to be recovered from him. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that the name of the present applicant is mentioned as Aju. Aju and Aziz are the same persons and there is specific allegation against him that he has pelted stones towards the police officials and police officials has sustained the injuries in the said incident. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the sides. Perused the recitals of the FIR and the investigation papers from which it reveals that general allegations is levelled against the present applicant that he has pelted stones along with the other co-accused and the police officials has sustained the injuries. As far as the custodial interrogation is concerned which is not required as nothing is to be recovered from him. He is already directed to attend the police station and there is no

complaint that he has not attended the police station or not cooperated with the investigating agency. In view of that, the applicant – Aziz Khan Mahboob Khan has made out a case for grant of anticipatory bail.

CRIMINAL APPLICATION (ABA) NO.794 OF 2024

5. Apprehending the arrest at the hands of police in connection with Crime No.223/2024 registered with police station Sarmaspura, Taluka Achalpur, District Amravati for the offence punishable under Sections 352, 351(2), 310(2), 296, 191(2), 190, 189(2), 126(2), 115(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant – Mohit Khan s/o Mustufa Khan approached this Court for grant of pre-arrest bail.

6. Learned Counsel Mr. Shinde for the applicant - Mohit Khan s/o Mustufa Khan submitted that the role of the applicant is similar to the Aziz Khan, and therefore, the applicant be protected by granting anticipatory bail. He submitted that considering the allegation against the present applicant his custodial interrogation is not required. In view of that, the applicant be protected by granting anticipatory bail.

7. Learned APP strongly opposed the said application and submitted that the allegation against the Mohit Khan s/o Mustufa Khan is not only of abuses but also assault by the fist and kick blows and snatching of the

mobile phone. The said mobile phone is yet to be recovered. Due to the assault the injured has sustained the grievous injuries i.e. fracture noted at distal end of radius with associated soft tissue swelling. Thus, due to the assault by Mohit Khan the injured has sustained the grievous injuries. In view of that, the application deserves to be rejected.

8. I have heard learned Counsel for both the sides. Perused the recitals of the FIR and the investigation papers from which it reveals that there is specific allegation against the applicant i.e. Mohit Khan s/o Mustufa Khan. It reveals that due to the assault at the hands of said Mohit Khan one of the injured has sustained the grievous injuries. In view of that, the application of the applicant - Mohit Khan s/o Mustufa Khan deserves to be rejected. Accordingly, I proceed to pass the following order:

(i) Criminal Application (ABA) No.794/2024 is rejected.

(ii) Criminal Application (ABA) No.786/2024 is allowed.

(iii) In the event of arrest, the applicant – Aziz Khan Mahboob Khan in connection with Crime No.224/2024 registered with Police Station Sarmaspura, Taluka Achalpur, District Amravati for the offences punishable under

Sections 121(1), 125, 132, 189(2), 190, 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iv) The the applicant – Aziz Khan Mahboob Khan shall attend the concerned police station once in a week i.e. on every Wednesday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency.

(v) The the applicant – Aziz Khan Mahboob Khan 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.

9. The contravention of any of the condition would lead to the cancellation of bail.

10. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)