



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

CRIMINAL APPLICATION (APPP) NO. 2081 OF 2024
IN
CRIMINAL APPLICATION (ABA) NO. 698 OF 2024

Maheboob s/o Chand Garwe and others 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. T.U. Tathod, counsel for the applicants.
Mr. K.R. Lule, APP for non-applicant/State.
Mr. M.N. Ali, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/11/2024.

1. Application filed by the original complainant for seeking permission to engage the counsel to assist the prosecution.
2. In view of the reasons mentioned in the application, permission is granted to the original complainant to engage the counsel to assist the prosecution.
3. Criminal application (APPP) No. 2081 of 2024 is disposed of.

CRIMINAL APPLICATION (ABA) NO. 698 OF 2024

1. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.500/2024 registered with Police Station Karanja, District Washim for the offences punishable under Sections 109, 115(2),

118(1), 189(2), 190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicants submitted that there was a dispute between the two families on account of the way from the agricultural land, and therefore, the dispute arose. Regarding the said dispute, two crimes are registered, and the cross-complaints are filed against each other. As far as present applicants are concerned, general allegations are made against them. They have assaulted the informant and other prosecution witnesses by pelting stones and bricks on their house. Thus, there are no specific allegations made against the present applicants, therefore their immediate custodial interrogation is not required.

3. Learned APP strongly opposed the said application and submitted that the applicants have formed the unlawful assembly. They have assaulted the informant as well as other prosecution witnesses.

4. Learned counsel for the complainant also endorsed the same contention and submitted that the custodial interrogation of the present applicants is required. Hence, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that as far as the present applicants are concerned, general allegations are made against them. The injuries sustained by the injured as

simple in nature, as far as grievous injuries are concerned, which is attributed to the co-accused Ismail. In view of that, the applicants have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

- a] Criminal application is **allowed**.
- b] In the event of arrest, the applicants – 1) Maheboob s/o Chand Garwe, 2) Firoz s/o Chand Garwe, 3) Rahim s/o Chand Garwe, 4) Jumma s/o Chandu Pappuwale, 5) Samir s/o Tukadya Naurangabadi, 6) Tukadya s/o Bhika Naurangabadi, 7) Shamina w/o Salim Garwe, 8) Ruksar Ismail Garwe, 9) Jaitun Usman Garwe, 10) Amina Nazir Naurangabadi, 11) Shamina Tukadya Naurangabadi, 12) Jaitun Nanda Garwe, 13) Jamman Chandu Pappuwale and 14) Farhan s/o Nazir Naurangabadi, in connection with Crime No.500/2024 registered with Police Station Karanja, District Washim for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, shall be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

- c] The applicant Nos.1 to 7 shall attend the concerned police station once in a week on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
- d] The applicant Nos.8 to 14 shall attend the concerned police station as and when required for the investigation purpose.
- e] The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

The application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]