



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

CRIMINAL APPLICATION (ABA) NO. 816 OF 2024

Wasim Khan Rahman Kha 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. Kushal Jain, counsel for the applicant.
Ms. Shamshi Haider, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 519/2024 registered under Sections 191(3), 192(2), 190, 189(4), 189(2), 118(1), 115(2) and 109(1) of the Bhartiya Nyaya Sanhita, 2023, the present applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that regarding the free fight between the two parties, the cross-complaints are filed by both parties against each other. The members of both the parties have sustained the injuries. The alleged incident has taken place due to the previous dispute between the two parties. As far as the present applicant is concerned, false and baseless allegations against him. Now the investigation is already completed, and the custodial interrogation of the present applicant is not required. He submitted that the injured is

already discharged from the hospital. Considering all these aspects, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application on the ground that, in furtherance of the common object, the injured are assaulted by the present applicant and the other co-accused. The specific role is attributed to the present applicant. Due to the assault by the present applicant, the injured Amin Shah has sustained the head injury, and that is also a bleeding injury. Considering the specific role attributed to him, his custodial interrogation is required to recover the weapons. In view of that, the application deserves to be rejected.

4. On perusal of the investigation papers and perusal of statements of the witnesses, it reveals that a specific role is attributed to the present applicant. In a fight between the two groups, both groups have also sustained the injuries, however, at this stage, considering that the present applicant has caused the injury to the injured, Admittedly, his custodial interrogation is required. In view of that, no case is made out for grant of anticipatory bail. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]