



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

CRIMINAL APPLICATION (ABA) NO. 680 OF 2024

GANI SHAN S/O ISMAIL SHAH

Vs

THE STATE OF MAHARASHTRA THROUGH ITS PSO PS TELHARA DIST AKOLA

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

Court's or Judge's Order

Mr. A.B. Mirza, counsel for applicant.

Mrs. Swati Kolhe, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/09/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 255/2024 registered with Police Station Telhara, District Akola for the offence punishable under Sections 189(2), 191(2), 118(1), 74, 333 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that there was a dispute between the two groups of the school going boys, and out of that it is alleged that the present applicant and other co-accused entered the house of the informant and assaulted the son of the informant. As far as the present applicant is concerned, who is a retired teacher, and general allegations is made against him. He submitted that his immediate custodial interrogation is not required and therefore he be protected by granting ad-interim protection.

3. The learned APP strongly opposed the said application on the ground that the order of the District Judge specifically shows that the applicant has played a vital role in assault, and therefore, his custodial interrogation is required.

4. Perused the recitals of the FIR and the submissions made by learned counsel for the applicant and learned APP for the State. It reveals that there were counter cases filed against each other, from which, it appears that due to the dispute between the two groups of the school-going children, this alleged incident had taken place. As far as the present applicant is concerned, there is a general allegation at this moment appears on the basis of the FIR. Considering the same, immediate custodial interrogation is not required. In view of that, he can be protected by granting ad-interim protection. Accordingly, I proceed to pass the following order:

- a. Issue notice, returnable after two weeks.
- b. Learned Additional Public Prosecutor waives service of notice on behalf of non-applicant/State and seeks time to file reply.
- c. In the event of arrest, in connection with Crime No. 255/2024 registered with Police Station Telhara, District Akola for the offence punishable under Sections 189(2), 191(2), 118(1), 74, 333 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant – Gani Shah s/o Ismail Shah, shall be released on ad-interim anticipatory bail, on executing PR.Bond in the

sum of Rs.25,000/- with one solvent surety of the like amount.

- d. The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
 - e. The applicant shall not induce, threat or promise any witnesses who are not acquainted with the facts of the case.
5. Stand over after **two weeks**.

[URMILA JOSHI-PHALKE, J.]