



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

CRIMINAL APPLICATION (ABA) NO.680 OF 2024

Gani Shah s/o Ismail Shah
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Tellhara, District Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. B. Mirza, Counsel for the applicant.
Ms. Trupti Udeshi, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/10/2024

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 offences 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 due to the 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 in 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 after he is protected by granting

ad-interim protection, he has cooperated with the investigating agency and his custodial interrogation is not required. In view of that, interim protection granted to the present applicant deserves to be confirmed.

3. The learned APP strongly opposed the said application on the ground that during the investigation, the involvement of the present applicant revealed. It further revealed that the school going boys were assaulted by the present applicant and other co-accused as well as the other co-accused tried to outrage the modesty of his wife. In view of that, there is a serious allegation against the present applicant. In view of that, the application deserves to be rejected.

4. After perusal of the FIR and the submissions made by the both sides. 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 against him, his custodial interrogation is not required as nothing is recovered from him. In view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the present applicant by order dated 26.09.2024 is hereby confirmed, on a condition that, the applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iii) The applicant shall not induce, threat or promise any witnesses who are not acquainted with the facts of the case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)