



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 ANTICIPATORY BAIL APPLICATION NO. 114 OF 2025

MOHAMMAD AFSAR MOHAMMAD UMAR

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant :

Mr. Imran Khan Guftar Khan Durrani

APP for Respondent/State: Mr. N. B. Patil

...

WITH

CRIMINAL APPLICATION NO. 428 OF 2025

IN ABA/114/2025

MOHAMMAD YUSUF MOHAMMAD HAROON MUKATI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Pande Balraj Prakash

APP for Respondent/State: Mr. N. B. Patil

Advocate for Respondent No.2:

Mr. Imran Khan Guftar Khan Durrani

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10.02.2025

P.C. :

1] Heard learned counsel for the applicant,
learned APP for the respondent-State and learned counsel
for the assist to public prosecutor.

2] Criminal Application No.428 of 2025 is partly allowed to the extent of assist to public prosecutor.

3] The applicant is apprehending arrest in connection with Crime No.274 of 2024, dated 01.10.2024, registered at Kranti Chowk Police Station, District Aurangabad, for the offences punishable under Sections 109, 115(2), 118(2), 351(3), 189(2), 191(3), 190 of the Bhartiya Nyaya Sanhita.

4] This court by order dated 03.02.2025 granted interim protection to the applicant considering the submissions and reasons at paras 3 and 4, as under:

“3] The grievous allegations are against the other accused that they assaulted the informant by means of knife. As regards the allegations against the applicant, who is of 67 years age, is that he along with one other-co-accused has assaulted the informant by means of brick. The dispute arose between the parties on the count of destruction of the common wall of their shops.

4] Considering the role of the applicant in the present crime and considering the age of the applicant as 67 years and considering that the other main accused are in jail and the co-accused whose role is identical to the applicant, is granted bail, I deem it appropriate to grant interim protection to the applicant.”

5] The learned counsel for the applicant submits that the applicant has attended the concerned police station and co-operated with the investigation in terms of the order dated 03.02.2025. There is no grievance raised as regards

this aspect by the learned APP.

6] The learned counsel appearing for the informant submits that the shops of the applicant and the informant are adjacent to one another and there is possibility of further assault / fight between them and an appropriate condition may be imposed for confirmation of the interim relief, if the court desires to grant the same.

7] In view of the above, the interim protection granted by order dated 03.02.2025 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

iv] The applicant shall not contact the informant in any way and involve himself in the similar offences.

v] The applicant shall not communicate with the informant and not to create any hurdle in conduct of business of the informant.

8] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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