



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

CRIMINAL APPLICATION (ABA) NO. 05 OF 2025

Mohd. Asif s/o Mohd. Shakir 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. A.M. Jaltare, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

Mr. C.A. Babrekar, counsel for intervenor.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/03/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 702/2024 registered with Rajapeth Police Station, District Amravati for the offence punishable under Sections 103(1), 3(5) and 351(2) of Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that as far as the present applicant is concerned, against whom the allegation is only to the extent that he threatened the witnesses with dire consequences. He submitted that even that allegation was not heard by anybody directly, but it was informed to the witnesses by a third person. Thus, considering the role attributed to the present applicant, his custodial interrogation is not required. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that, in furtherance of the common intention, the alleged crime is committed by the present applicant and the other co-accused and therefore, the application deserves to be rejected.

4. Learned counsel, Mr. C.A Babrekar for the complainant, also reiterated the said contention and prayed for rejection of the application.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the report is lodged by the complainant on an allegation that Abdul Akib Abdul Wahab, who is the deceased in the present crime, was having a love affair with one girl from the last two years. Both the family members came to know about the relationship, and therefore, a dispute arose between them. In the said incident, the deceased was assaulted by the co-accused, as far as the present applicant is concerned, the only allegation is that he has threatened by saying that they have to face the dire consequences.

6. Thus, considering the limited role of the present applicant, the interim relief was granted by way of ad-interim anticipatory bail deserves to be confirmed, and considering the investigation papers, the custodial interrogation of the present applicant is not required.

7. In view of that, interim protection granted to the present applicant by order dated 06/01/2025 is hereby confirmed on the condition that he shall attend the

Rajapeth Police Station, District Amravati, once in a week on Monday between 10.00 a.m. to 01.00 p.m., and shall cooperate with the investigating agency, and other conditions shall remain stands still.

8. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]