



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

CRIMINAL APPLICATION (ABA) NO.19 OF 2025

Saiyad Tausif Saiyad Sirajuddin

Vs.

State of Maharashtra, through Police Station Kalamna, Nagpur

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

Court's or Judge's orders

Mr. R. H. Rawlani, Counsel for the applicant.

Mr. V. A. Thakare, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/01/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.489/2024 registered with Police Station, Kalamna, District Nagpur for the offences punishable under Sections 307, 323 and 506 (2) read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel Mr. Rawlani for the applicant who submitted that the crime is registered against the present applicant on the basis of report lodged by Mukesh Raju Gautam alleging that on 08.06.2024 he has decided to have a meeting with the co-accused due to previous dispute between them. At the relevant time, co-accused Raj came in the vehicle holding knife in his hand and gave a blow of knife on his chest and thereafter, he rushed

towards the ground to save himself and thereafter, he was caught by the present applicant and other co-accused and the present applicant assaulted him by means of the said knife. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the statement of the sister of the injured is concerned, who is silent as to the role of the present applicant. The CCTV footage is also silent as to the presence of the present applicant. As far as the injury sustained by the injured is concerned which is only a lacerated wound. Considering the same, the custodial interrogation of the present applicant is not required and therefore, he be released on anticipatory bail. In support of his contention he placed reliance on the decision of this Court in **Sameer Satyawar Thale and others Vs. State of Maharashtra in Law Finder Doc. Id#2054175** wherein this Court has considered that further investigation may be required from the prosecution side. Equally the medical evidence at this stage does not support the case of the prosecution and hence no purpose will be served by apprehending the applicants and incarcerating them and released them on bail.

4. Learned APP strongly opposed the said application and submitted that it is not that suddenly the injured and applicant met with each other and

the incident has taken place. He submitted that initially, the injured was assaulted by the co-accused and thereafter, he ran to save himself towards the ground and he was accosted by the present applicant and other co-accused and the present applicant gave a blow by knife on his head. Considering the role attributed to the present applicant, his custodial interrogation is required. In view of that, the application deserves to be rejected.

5. Heard both the sides and perused the investigation papers. The recitals of the FIR shows that initially, only the co-accused Raj came in the vehicle holding knife in his hand and threatened him why he is demanding the money from his brother-in-law and thereafter, gave a blow on his person and thereafter, he ran away towards the ground and at the ground, he was accosted by the present applicant and the other co-accused and the present applicant has given a blow of knife on his head. The spot panchanama is also drawn wherein both the spots are shown during the investigation. In injured condition the injured was taken to the hospital and the injury certificate is on record which substantiates the allegation. Considering the role attributed to the present applicant and considering the injuries sustained by the injured which are stab wound on chest and split lacerated wound over high parietal region i.e. on a vital part. Thus, the allegation levelled against the present applicant is

supported by the medical evidence also. In view of that, the *prima faice* case is made out against the present applicant and therefore, his custodial interrogation is required. In view of that, the application deserves to be rejected. Accordingly the application is rejected.

(URMILA JOSHI-PHALKE, J.)