



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.55 OF 2025

(Ziyan s/o Rizwan Mirza 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. G.G. Saoji, Advocate for the applicant.
Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 26, 2025.

By this application, the applicant is seeking anticipatory bail in connection with Crime No.530/2024 registered with Police Station Mankapur, Nagpur for the offences punishable under Sections 109, 189(2), 189(4), 190, 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

2. The crime is registered on the basis of a report lodged by Saurabh Chandrashekhar Nair on an allegation that two cross-complaints are filed regarding the incident it reveals that there was a quarrel on account of the playing of a cricket and during scuffle between the two groups, the injured as well as the other prosecution witnesses have sustained the injuries.

3. In cross-complaints also the members of the other party has also sustained the injuries. As far as the

allegations against the present applicant is concerned which is only to the extent that there was earlier telephonic communication between the informant and the present applicant and thereafter present applicant along with the other persons came there and he was holding belt and bicycle chain and the other co-accused have assaulted the injured. As far as the allegation against the present applicant is concerned the investigating agency requires his custody only for seizure of the said bicycle chain and belt. As far as the allegation of the assault is concerned there is no allegation that the present applicant by using that articles caused any injury. Thus, considering the contention of the learned APP the custodial interrogation of the applicant is required only for the purpose of seizure of the said articles.

4. Learned APP strongly opposed the application and submitted that other co-accused came at the spot at the instance of the present applicant, and therefore, his custodial interrogation is required. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the investigation papers it reveals that the cross-complaints are filed. Both party members have sustained the injuries. As far as the allegation against the present applicant is concerned which is only to the extent that he was holding bicycle chain and belt at the relevant time and his custodial interrogation is required for seizure

of the said articles. Considering the allegations that aspect can be taken care of by directing the present applicant to produce the same by attending the police station. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

(i) The application is allowed.

(ii) In the event of the arrest, the applicant – Ziyar s/o Rizwan Mirza in connection with Crime No.530/2024 registered with Police Station Mankapur, Nagpur for the offences punishable under Sections 109, 189(2), 189(4), 190, 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951, be released on anticipatory bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(iv) The applicant shall produce the bicycle chain and belt before the Investigating Officer

and the said period will be considered as his custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either physically or through electronic media.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*