



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

CRIMINAL APPLICATION (ABA) NO. 58 OF 2025

Mohammad Usman @ Doctor S/O. Mohammad Rabi Rayeen

Vs

State Of Maharashtra Thr. P.S.O. P.S. Lakadganj, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.K.Bhangde, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/02/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 695/2023 registered with Police Station, Lakadganj, Nagpur for the offence punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of a report lodged by Mohammad Ayub Taj Mohammad on an allegation that the present applicant is related to him and residing in his neighborhood. There is a previous dispute between his family and the family members of the present applicant. On 15/12/2023, the present applicant was abusing the informant and his father. After some time, the father of the informant inquired why he was abusing them. On that count, the present applicant gave a blow of an iron rod on the head of the informant,

due to which he sustained the injury. The son of the present applicant has also assaulted the father of the informant. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel Mr. Bhangde for the applicant, who submitted that wife of the present applicant has filed Writ Petition No. 645/2024 and directed the Assistant Commissioner of Police to place on record the CCTV footage. Accordingly, the CCTV footage was placed on record thereafter, the statement of wife of the present applicant is also recorded. He submitted that the informant and his family members were the aggressors. The cross-complaints are filed regarding the same incident. As far as the involvement of the present applicant is concerned, which is not required, he is falsely implicated. The CCTV footage is also collected by the investigating agency. As far as the custodial interrogation of the present applicant is concerned, which is not required. In view of that, he be protected by granting anticipatory bail. He further submitted that it was the informant and his family members who were aggressors and had initiated the quarrel, and in the same incident, while saving himself, the injury might have been sustained to the informant.

4. Learned APP strongly opposed the said application on the ground that, in all, 17 offences are registered against the present applicant. There is continuous unlawful activities by the present applicant, which show that from

2013 to 2022, the offences are registered against the present applicant, which shows the involvement in various criminal activities. She further submitted that the informant has sustained the injury on the vital part, and that is also due to the iron rod. The custodial interrogation of the present applicant is required, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that scuffle took place between the two parties. Both party members have assaulted each other. It reveals from the investigation papers that the informant has sustained the head injury in the said incident. The investigating agency has also collected the CCTV footage, which shows that it was the present applicant who has given blow by the iron rod on the head of the informant. The crime chart filed on record by the learned APP also shows that in all 17 offences are registered against the present applicant, and it is the continuous involvement of the present applicant in various crimes. Since 2005 to 2022, admittedly, the criminal antecedents is not sufficient to reject the application of the present applicant, but at the same time, it is necessary to see the involvement of the present applicant as well as the nature of the injury sustained by the injured. The various statements of the witnesses and the injury certificates are on record, which sufficiently show the involvement of the present applicant in the alleged offence.

6. Here in the present case, the allegation is of a grievous nature, but the present applicant has used a weapon, i.e. an iron rod, and caused the injury. His earlier bail application is rejected by this Court. Now, there is no change in circumstance, as far as the purpose of entertaining the application is concerned. The considerations for grant of anticipatory bail are different than the grant of bail under Section 439 of the Code of Criminal Procedure.

Considering the prima-facie case against the present applicant, no case is made out for grant of anticipatory bail. In view of that, the application for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

The application is **rejected**.

[URMILA JOSHI-PHALKE, J.]