



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

CRIMINAL APPLICATION NO.355 OF 2025

IN

CRIMINAL APPLICATION (ABA) NO.88 OF 2025

(Wasim Khan s/o Mohammad Khan and ors. 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. P.W. Mirza, Advocate for the applicant.
Mr. C.A. Lokhande, APP for the State.
Mr. Z.Z. Haq, Advocate for assist to prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 24, 2025.

Heard.

2. By this application, the original complainant is seeking permission to assist the prosecution by engaging the Counsel.

3. In view of the contention raised in the application and the application is filed by the original complainant, permission is granted to engage the Counsel to assist the prosecution.

4. The application is allowed and disposed of accordingly.

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5. By this application, the applicants are seeking anticipatory bail in the event of their arrest in connection with Crime No.36/2025 registered with Police Station Karanja, District Washim for the offences punishable under Sections 109, 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023.

6. The crime is registered on the basis of report lodged by Shiman Sadiya Wasim Khan who is the wife of applicant No.1 and the other applicants are the nearest relatives of applicant No.1. Applicant No.2 is the mother-in-law. Applicant No.3 is the brother-in-law. Applicant No.4 is sister-in-law and applicant No.5 is the husband of applicant No.4 and applicant No.6 is the daughter of applicant Nos.4 and 5.

7. The allegations against the present applicants is that the marriage of the informant was performed with applicant No.1 prior to four years and she is having one son from the said wedlock. After marriage, she was ill-treated by the present applicants by demanding the money to purchase the poke-land machine as well as to purchase the agricultural land. Due to the ill-treatment at the hands of the present applicants as the father of the informant could not fulfill the demands, the father of the informant has committed suicide. It is further alleged that on 15/01/2025 at about 9.30 AM to 10.00 AM all the applicants attempted to administer her poison, and thereby attempted to commit her murder. On the basis of the said report, police have registered the crime against the present applicants.

8. Learned Counsel for the applicants submitted that as far as the allegations are concerned, which are not substantiated by any material. He further submitted that applicant No.4 is already married and residing along with

her husband and the daughter. As far as applicant No.2 is concerned who is an old lady and applicant No.3 is also residing separately. He submitted that the allegations which are general in nature and previously also such type of the allegations are levelled against the present applicants. He submitted that as to the demand also general allegation is levelled. Considering all these aspects the applicants be protected by granting anticipatory bail.

9. Learned Additional Public Prosecutor and learned Counsel for the complainant strongly opposed the application and submitted that there are two eye-witnesses to the said incident. If the statements of these two eye-witnesses and the medical certificate is considered, the allegations are substantiated, not only by the statements of the eye-witnesses, but also by the medical papers which reveals that the informant was admitted in the hospital as to the consumption of some unknown poison. She was treated for the said poison also in the hospital i.e. Government Hospital, Akola. There was previous complaint about the ill-treatment by the informant also. Thus, considering there are criminal antecedents against the present applicants especially against applicant Nos.1 and 2, the application deserves to be rejected.

10. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the allegation against all the applicants is that

they have demanded the amount from the father of the informant and for that purpose she was ill-treated. As far as applicant Nos.2 to 6 are concerned there are general allegations against them. As far as husband is concerned there is a specific allegation against him. Considering that applicant Nos.4, 5 and 6 are already residing separately, applicant No.3 is also residing separately, the allegation against them is also of a general nature. In view of that, the application of applicant Nos.2 to 6 deserves to be allowed. As far as the prayer of applicant No.1 for grant of anticipatory bail is concerned deserves to be rejected. Accordingly, I proceed to pass the following order:

(i) The prayer of applicant No.1 for grant of anticipatory bail is hereby rejected.

(ii) The application is partly allowed.

(iii) In the event of the arrest, the applicant Nos.2 to 6 namely – Najma Bi w/o Mohammad Khan, Salim Khan s/o Mohammad Khan, Reshma Tabassum w/o Nisar Khan, Nisar Khan s/o Najir Khan, Anvish Arsala D/o Nisar Khan in connection with Crime No.36/2025 registered with Police Station Karanja, District Washim for the offences punishable under Sections 109, 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on

executing PR. bond of Rs.25,000/- each with one solvent surety each in the like amount.

(iv) The applicant Nos.2 to 6 shall attend the concerned police station once in a week i.e. on every Tuesday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(v) The applicant Nos.2 to 6 shall cooperate with the investigating agency when the Investigating Officer will visit to the house by opening the lock of the house to draw the spot panchnama as well as to seize the incriminating materials.

(vi) The applicant Nos.2 to 6 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, either physically or through electronic media.

(vii) The applicant Nos.2 to 6 shall not leave the jurisdiction of Washim district without prior permission of the District Court, Washim.

11. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)