



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

CRIMINAL APPLICATION (BA) NO. 356 OF 2025

Mohammad Illiyaj s/o Mohammad Rashid and another 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. R.M.Daga, counsel for applicant.

Mr. C.A.Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/04/2025.

1. The applicants came to be arrested on 08/11/2024 and 24/11/2024 respectively in connection with Crime No.647/2024 registered with Police Station Chandur Bazar, District Amravati for the offence punishable under Sections 103, 109, 351(2)(3), 352, 189(2), 192(2), 191(3), 190, 238, 103(1), 3(5) of the Bhartiya Nyay Sanhita, 2023.

2. Heard learned counsel for the applicants, who submitted that the crime is registered on the basis of a report lodged by Mohammad Iftekar Mohammad Khalid on an allegation that on 30/10/2024 at about 8.45 p.m., when he had been to Pan Stall, he heard the shouts of quarrel therefore, he immediately rushed to the house of his cousin and saw that his cousin Sheikh Isar Sheikh was lying in an injured condition in front of his house. On inquiry with him, it was revealed to him that there was a matrimonial dispute between his daughter-in-law and the

other family members. On that count, the parents of the daughter-in-law came there and assaulted him as well as his son. On the basis of the said report, police have registered the crime against the present applicants.

3. The learned counsel for the applicants submitted that applicants are the relatives of the said Roshani, who is the daughter-in-law of the injured. The present applicants are not named in the FIR. Subsequently, the statement of the injured Abdul Nisar Abdul Wahab was recorded, wherein he attributed the role, which is also to the extent of assault by fist and kick blows and holding the injured, to when the other co-accused had given a blow of a knife on the person of the injured. On the basis of the said investigation, the applicants are arraigned as accused. Now, the investigation is already completed. Considering the limited role attributed to them, they be released on bail.

4. The learned APP strongly opposed the said application and submitted that, in furtherance of common intention, the applicants and other co-accused assaulted the injured and caused the serious injuries. Though the investigation is completed, there is apprehension of repeating the said incident. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, admittedly the names of the present

applicants are not mentioned in the FIR. Subsequently, the statement of the injured was recorded, wherein he named the present applicants and the role attributed to them to the extent of assault by fist and kick blows and holding the injured when the knife blow was given by other co-accused. Considering the limited allegation against the present applicants. However, the investigation is completed and charge-sheet is filed, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicants ***(1) Mohammad Illiyaj s/o Mohammad Rashid (2) Mohammad Shafique s/o Mohammad Shafique s/o Mohammad Rashid***, shall be released on bail in connection with Crime No. 647/2024 registered with Police Station Chandur Bazar, District Amravati for the offence punishable under Sections 103, 109, 351(2)(3), 352, 189(2), 192(2), 191(3), 190, 238, 103(1), 3(5) of the Bhartiya Nyay Sanhita, 2023, on executing PR. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c] The applicants shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.

- d] The applicants shall not leave the jurisdiction of Amravati District without prior permission of the District Court, Amravati.
 - e] The applicants shall not enter into the vicinity of village Thugaon Pimpri, till the culmination of the trial.
 - f] The applicants shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]