



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

CRIMINAL APPLICATION (ABA) NO.554 OF 2025

Mazhar Khan Rahim Khan

Vs.

State of Maharashtra through Police Station Officer, Arni District Yavatmal

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

Court's or Judge's orders

Mr. Shaharukh Shafik Sheikh, Counsel for the applicant.

Mr. Amit Madiwale, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/08/2025

1. Apprehending the arrest at the hands of police, in connection with Crime No.314/2024 registered with Police Station Arni, Tq. Arni, District Yavatmal, for the offence punishable under Sections 143, 144, 146, 147, 148, 341, 324, 307, 427, 504, 506 read with Section 149 of the Indian Penal Code, and Sections 3, 7, 25 and 27 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation is made against the present applicant along with other co-accused on the basis of a report lodged by Suresh Pundlikrao Dhale, on an allegation that he has been carrying business of selling building material under the name and style as "Pruthwi Building Material". There was business

rivalry between him and the co-accused Anjum Lal. The said rivalry is there, as the informant has received the tender for sand mining in the Painganga River Basin at village Bhosa.

3. It is further alleged that one Asim Ansari resident of Yavatmal is also engaging in the business of mining sand from Sakur to Basin within the limits of village Sakur, Tq. Arni, District Yavatmal. On 28.03.2024 at 10.00 p.m. the Watchman - Devanand Khandre called him and informed that near about 20 to 25 persons aged between 20 to 40 years abusing and threatening the watchman on account of use of the road constructed for transportation of mining of the sand. Thereafter immediately, he rushed to the spot of incident with one Datta Shinde and others, wherein he found the Anjum Lal and other co-accused including the present applicant, and there was hot exchange of words between them. During that incident, one of the accused fired bullets by using a pistol, and the other accused have pelted stones towards him. In the said incident, he has sustained the injuries.

4. Learned Counsel for the applicant submitted that the other co-accused is already released on bail by this Court. The similar role is attributed to the applicant, nothing is to be recovered from him, and the pistol is recovered from the other co-accused. He further submitted that a general

allegations are levelled against the applicant that he is one of the persons who pelted stone. Thus, no overt-act is attributed to him, in view of that, the interim protection granted to the present applicant deserves to be confirmed.

5. Learned APP strongly opposed the said application on the ground that, out of the rivalry between two groups, the alleged incident has taken place, the present applicant was involved in pelting the stones. In view of that, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, as far as the role of the present applicant is concerned, against whom the general allegation is levelled to the extent of his presence and pelting stones. Thus, no overt act is attributed to him. As far as his custodial interrogation is concerned, he has already cooperated with the investigating agency by attending the Police Station, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the present applicant by order dated 25.07.2025 is hereby confirmed on the condition that he shall not induce, threat or

promise any witnesses who are acquainted with the facts of the present case.

(iii) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)