



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

CRIMINAL APPLICATION (ABA) NO. 698/2025

Mahefooz Ahmad Shamshuddin Ahmad Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. N. B. Rathod, Advocate for the Applicant.
Ms T. H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 03/10/2025.

. Heard.

2. The applicant has apprehension of arrest in Crime No.661/2025 registered at Police Station Yashodhara Nagar, District Nagpur for the offences punishable under Sections 109(1), 118(1), 309(4), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. One Syed Majid Hussain is the complainant. The son of the complainant namely Shahid informed him that one Shibu was taking out the diesel from their truck. The complainant with his son Aabid went there. The applicant along with other co-accused assaulted Shahid as well as Aabid by means of stick. Thereafter, Danish, who was accompanied with his father Mobin came there with an iron rod and started giving blows to Shahid. Therefore, Shahid fell down on the ground and seriously injured.

4. The learned Counsel for the applicant stated that the role attributed to the applicant is that he has assaulted Aabid and Aabid is not seriously injured. There is no any fracture. He has not assaulted with any weapon. The assault on Shahid was with iron rod and it was by Danish, who is juvenile. The learned Counsel for the

applicant further stated that one of the accused is already released on bail. The rod is recovered. Nothing is there to recover from this applicant. Considering the role played by this applicant, prayed to release him on anticipatory bail.

5. The learned A.P.P. opposed the application stating that though the applicant has stated that there is delay of 38 hours, the son of the complainant was seriously injured, he first took him to the hospital and therefore, there is a delay. Aabid is also injured. The Injury Certificate shows that there is trauma to head and nose by wooden stick. The applicant has used wooden stick. The common intention is there. The offence under Section 109(1) of the Bharatiya Nyaya Sanhita is registered. Hence, prayed to reject the application.

6. Heard both the learned Counsel for the parties.

7. Three persons were assaulted and one of them is seriously injured. The offence under Section 109(1) is registered. The iron rod is used by the juvenile and not by this applicant. The role attributed by this applicant is the assault against Aabit. Perusing the injury certificate of Aabid, the offence under Section 109(1) will not be attracted. Considering the role of the applicant, the bail granted to the co-accused and as the rod is already recovered, the custodial interrogation of this applicant is not required. Accordingly, I pass following order:

i] It is directed that in the event of arrest of the applicant in connection with Crime No.661/2025 registered at Police Station

Yashodhara Nagar, District Nagpur for the offences punishable under Sections 109(1), 118(1), 309(4), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

ii] The applicant shall attend the concerned police station once in a week on Monday between 10:00 a.m. to 1:00 p.m. and shall cooperate with the Investigating Agency.

iii] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)