



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

CRIMINAL APPLICATION (ABA) NO. 871 OF 2024

Syed Jabir Syed Sabir 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. A.S. Siddiqui, counsel for applicant.

Ms. M.A.Barbde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/03/2025.

1. Apprehending the arrest at the hands police in connection Crime No.314/2024, for the offences punishable under Sections 352, 351(3), 351(2), 332(c), 324(6), 324(5), 324(4), 324(3), 324(2), 118(1), 115 of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that cross-complaints are filed against each other due to the previous enmity. As far as the present applicant is concerned, against whom the allegation is that he has assaulted by means of an iron rod on the hands of the informant, due to which the informant has sustained the fracture injury. He submitted that the applicant is implicated falsely as far as his custodial interrogation is concerned, which is not required. The applicant is ready to cooperate with the investigating agency.

3. Per contra, learned APP submitted that the iron rod is to be recovered from the present applicant, and therefore, his custodial interrogation is required, in view of that application deserves to be rejected.

4. On perusal of the entire investigation papers, it reveals that due to the previous enmity, both the party members have assaulted each other, as far as the present applicant is concerned, against whom the allegation is that he has assaulted by means of an iron rod. The informant has sustained the fracture injury. The medical certificate is on record. Now he is discharged from the hospital. Considering the circumstances under which the alleged incident has taken place and considering the fact that both side members have sustained the injuries in the said incident. In view of the above, the applicant has made out a case for grant of anticipatory bail by imposing certain conditions. In view of that, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicant – ***Syed Jabir Syed Sabir*** shall be released on anticipatory bail in connection Crime No.314/2024, for the offences punishable under Sections 352, 351(3), 351(2), 332(c), 324(6), 324(5), 324(4), 324(3), 324(2), 118(1), 115 of the Bhartiya Nyaya Sanhita, 2023, on executing PR. Bond

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

- c] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat of promise any witnesses who are acquainted with the facts of the case.
- e] The contravention of any of the conditions imposed would lead to the cancellation of bail.

5. The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]