



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

CRIMINAL APPLICATION (ABA) NO. 384 OF 2025

IMRAN KHAN MUMTAZ KHAN AND ANOTHER

Vrs.

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

Shri F. T. Mirza, Senior Counsel a/b Shri P. Mirza, Advocate for
applicants.
Shri Neeraj Jawde, A. P. P. for respondent-State.
Shri Tabrezuddin Quadri, Advocate to assist the prosecution.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 20/06/2025.

CRIMINAL APPLICATION (APPP) NO.1143/2025

1. By this application, applicants who are original complainants seeking permission to engage counsel to assist the prosecution.

2. In view of the reasons mentioned in the application, permission is granted to the complainants to engage counsel to assist the prosecution.

3. Criminal application is disposed of.

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4. Apprehending the arrest at the hands of police in connection with Crime No.113/2025 registered under 351 (2), 352, 192, 191(3), 191(2), 190, 189(4), 189(2), 118(1), 109(1) of BNS, the applicants approached to this Court for grant of pre-arrest bail.

5. The FIR is lodged by Mohammad Husen on an allegation that he along with his elder brother Mohd. Rizwan is running a medical shop at Lonar. On the Government land adjacent to the house of the complainant, there was one Well which was used by the Hindu Community. However, the co-accused Noor Mohammad Khan Tajmeer Khan had dismantled that Well and erected one Shadikhana (Community Hall for marriages). A complaint regarding the same was made by the elder brother of the complainant to the Collector, Buldhana, Commissioner, Amravati Division, Amravati and Municipal Council, Lonar. The Municipal Council has issued a notice for the illegal construction made on the Government land to the co-accused Noor Mohammad Khan Tajmeer Khan. On 25/03/2025 at about 4.15 p.m. when the complainant and his father were sitting in the medical shop and applicants and other co-accused came holding weapons in their hands, both the applicants held the injured and thereafter, other co-accused has given a blow of iron rod on his head, shoulder and hands, due to which injured Mohd Rizwan has sustained the grievous injuries. On the basis of the said report, police have registered a crime against the present applicants.

6. Heard Shri F. T. Mirza, learned Senior Counsel for the applicants who invited my attention towards various documents and submitted that one writ petition was filed by Gulabrao Chandrabhan Sardar and others wherein the order is passed by the Division Bench of this

Court and the Division Bench of this Court has shown disinclination to interfere in the petition. He also invited my attention towards the multiple FIRs which are lodged against the injured and also one application filed by various people residing in the said area against the injured. He further submitted that even accepting the allegation as it is, only allegation against both the applicants is that they caught hold the injured and thereafter, other co-accused Noor Mohammad Khan Tajmeer Khan has given a blow of iron rod on the head of the injured. Now, the injured is already discharged from the hospital. The other co-accused is also released on bail. The another allegation against the applicant No.1 is that he has assaulted by means of wooden log on the legs, knees of the informant which is not a vital part. He submitted that even both the injured are already discharged from the hospital, as far as custodial interrogation is concerned, which is not required as weapons are already recovered. He further submitted that even the applicants are ready to co-operate with the Investigating Agency. Applicant No.1 is 40 % disabled. For all above these grounds, the applicants be protected by granting anticipatory bail.

7. Learned APP and learned counsel for the informant strongly opposed the said application on the ground that considering the circumstances under which the alleged incident has taken place, all the applicants and other co-accused came on the spot holding weapons in

their hands. Thus, plan was premeditated and injured has sustained grievous injuries. The custodial interrogation is required for the purpose of recovery of the weapon. In view of that, application deserves to be rejected.

8. On hearing both the sides and on perusal of the entire investigation papers, it reveals that due to dispute on the Well which is situated on the Government land, the alleged incident has taken place. The Division Bench of this Court has already passed an order and shown disinclination to interfere in the petition. Moreover, the injured who are already discharged from the hospital. The nature of the injuries is also not suggesting that there is any apprehension of death to the injured. As far as the recovery of the weapons is concerned, some conditions can be imposed on the applicants. The role of the applicants is only to the extent of catching hold to the injured and other accused has given a blow of iron rod on the head of the injured. The another allegation against the applicant No.1 shows that he has assaulted by means of wooden log on the non-vital part of the informant. Thus, considering the various allegations levelled against the injured and the alleged incident has taken place due to the dispute on the Well, immediate custodial interrogation of the present applicants is not required. The recovery of the weapons which can be taken care of by imposing certain conditions on the present applicants. In view of that, the

application deserves to be allowed. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is allowed.
- ii] In the event of arrest in connection with Crime No.113/2025 registered under 351(2), 352, 192, 191(3), 191(2), 190, 189(4), 189(2), 118(1), 109(1) of the BNS, the Applicant No.1 – **Imran Khan Mumtaz Khan** and 2 – **Shoeb Khan Mumtaz Khan** be released on anticipatory bail on executing PR bond of Rs.25,000/- each with one solvent surety of the like amount.
- iii] The applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Agency.
- iv] The applicant No.1 shall produce the stick before the Investigating Officer and this period shall be considered as his custody for the purpose of Section 23 (2) of the Bharatiya Sakshya Adhiniyam, 2023.
- v] The applicants shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.

vi] The applicants shall not indulge in similar type of activities.

vii] The applicants shall attend the proceedings before the Trial Court without seeking exemption unless there are exceptional circumstances.

9. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]

Choulwar