



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

CRIMINAL APPLICATION (ABA) NO. 246 OF 2025

MOHAMMAD KARIM MOHAMMAD IRFAN

...**VERSUS**...

STATE OF MAHARASHTRA, THR. PSO, WASHIM CITY, PS. WASHIM CITY, TQ. AND DIST. WASHIM

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

Court's or Judge's order

Shri A.R.Somani, Advocate for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 02nd MAY, 2025

Apprehending the arrest at the hands of police in connection with Crime No. 308/2025 registered under Sections 109, 115(2), 118(1) 189(2), 189(4), 190, 191(2), 191(3), 351(2), 351(3), 352 of the BNS, the applicant approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Mahammad Mohinjyoddin Mahammad Majaroddin on an allegation that on 07/03/2025, when he had been to the Masjid for offering the prayer, at that time, the present applicant and other co-accused came in front of his house and abused him and during that abuses, the present applicant picked up the sword and attempted to give a blow on his person but somehow he saved himself and therefore, he had not sustained the injury. At the relevant time, the other co-accused had pelted stone towards him, due to which, he has sustained injury. On the

basis of said report, the police have registered the crime against the present applicant.

3. Heard the learned counsel for the applicant who submitted that the counter FIR has been filed regarding the said incident. As far as the allegations against the present applicant are concerned, which are baseless. The informant has not sustained the injury. As far as the custodial interrogation is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP for the State strongly opposed for the same on the ground that during the investigation, the statement of various eye witnesses are recorded, from which, it reveals that, it was the present applicant who came at the spot i.e. in front of the house of the informant along with the weapon like sword in his hand, called the other co-accused and thereafter, attempted to assault the informant and the other prosecution witnesses. She submitted that, considering the statement of the eye witnesses, it reveals that, the applicant came on the spot along with the preparation that holding the weapon in his hand and also called the other persons. Thus, the present applicant is the root cause to the said incident and in view of that, his custodial interrogation is required.

5. On hearing both sides and on perusal of investigation papers, it reveals that, it is the present applicant who came on the spot by holding the weapon in his hand, thereafter, called

the other co-accused who also planned by preparing himself and thereafter, attempt was made to assault the informant. Somehow the informant saved himself and therefore, he has not sustained the injury at the hands of the present applicant. However, the other co-accused has pelted the stone towards him and therefore, he sustained the injury. Considering the circumstances under which the alleged incident has taken place that is, the present applicant is the root cause to the alleged incident, the prayer for grant of anticipatory bail deserves to be rejected. Accordingly, the present application is **rejected**.

(URMILA JOSHI-PHALKE, J.)