



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

CRIMINAL APPLICATION (ABA) NO.336 OF 2025

(Joseph Nasir Khan and anr. Vs. The 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.M. Jaltare, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 9, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.259/2025 registered with Police Station Sadar, Nagpur, District Nagpur for the offences punishable under Sections 352, 351(2), 3(5) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, 1951, the applicants approached this Court for grant of anticipatory bail.

2. Learned Counsel for the applicants submitted that due to the dispute between the present applicants and the informant on account of partnership as to the Babbu Plaza, Anjuman Complex, Nagpur, and therefore, on the day of incident i.e. on 04/04/2025, present applicants assaulted him as well as other prosecution witness in which he as well as other prosecution witness has sustained the injuries. In view of that, the crime is registered against the present applicants.

3. Learned Counsel for the applicants submitted that even accepting the allegation as it is, it reveals that there was a dispute between the present applicant and the informant, out of that said alleged incident has taken place. The custodial interrogation of the present applicants is not required as there is no allegation that any weapon is used by the present applicants and they came along with the weapon. He further submitted that now injured is already discharged from the hospital. In view of that, the custodial interrogation of the present applicants is not required and they be protected by granting ad-interim protection.

4. Learned APP strongly opposed the application on the ground that the weapon like fighter is used which is to be seized from the present applicants, and therefore, the prayer for grant of ad-interim protection deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that there was a previous dispute on account of the partnership deed in running the hotel and out of that the alleged incident has taken place. Admittedly, the injured is now discharged from the hospital. As far as the custodial interrogation for the purpose of recovery of the weapon like fighter is concerned, the conditions can be imposed on the applicants. In view of that, the prayer for

grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) Issue notice to the non-applicant, returnable after Summer Vacation, 2025.

(ii) Learned APP waives notice for the State and seeks time to file reply.

(iii) In the event of the arrest, the applicants – 1) Joseph Nasir Khan and 2) Yasir Nasir Khan in connection with Crime No.259/2025 registered with Police Station Sadar, Nagpur, District Nagpur for the offences punishable under Sections 352, 351(2), 3(5) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, 1951, be released on ad-interim anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(iv) The applicants shall produce the weapon i.e. the fighter before the Investigating Officer and the said period shall be considered as their custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

(v) The applicants shall attend the concerned police station once in a week. i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(vi) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(vii) The applicants shall not enter into the jurisdiction of Sadar police station, Nagpur, till further orders.

6. The contravention of any of the condition would lead to the cancellation of bail.

(URMILA JOSHI-PHALKE, J.)

**Divya*