



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

CRIMINAL APPLICATION (ABA) NO. 336 OF 2025

(Joseph Nasir Khan & Anr.

Vs.

State of Maharashtra, Thr. P.S.O. Police Station Sadar, Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. A.M. Jaltare, Advocate for the Applicant.

Mr. N.B. Jawade, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 23rd JUNE, 2025

1. 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 the Applicants approached this Court for grant of anticipatory bail.

2. Heard learned Counsel for the Applicants, who 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 witnesses in which he as well as other prosecution witnesses have 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 Applicants and the Informant, out of that the alleged incident has taken place. Now, injured is already discharged from the hospital, the weapons are already recovered, the custodial interrogation of the present Applicants, is not required.

4. Learned APP for the Non-applicant/State, strongly opposed the said application and submitted that the injured had sustained grievous injuries by means of fighter which is used in the commission of the crime. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that there was a previous dispute on account of the partnership deed in running the hotel. The involvement of the present Applicants reveal but considering the fact that the injured is now discharged from the hospital, weapons are already recovered, and therefore, the custodial interrogation of the present Applicants is not required, and therefore, the Application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- i. The Application is **allowed**.

- ii. The *ad interim* protection granted to the Applicants by order dated 09.05.2025, is hereby confirmed on the condition that, they shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. and 01.00 p.m. till filing of the charge-sheet and shall cooperate with the Investigating Agency.
 - iii. 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.
 - iv. The Applicants shall not enter into the jurisdiction of Police Station Sadar, Nagpur till filing of the charge-sheet.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)