



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

CRIMINAL APPLICATION (ABA) NO. 356 OF 2025

(Anwar Hussain Mehammod Hussain

Vs.

State of Maharashtra, Thr. P.S.O. Police Station Kotwali,
Tq. & Dist. Amravati.)

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

Mr. P.R. Agrawal, Advocate for the Applicant.
Mr. N.R. Rode, 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.126/2025 registered on 05.04.2025 with Kotwali Police Station, District Amravati for the offence punishable under Sections 25, 27 and 3 of the Arms Act, 1959 and under Sections 109, 296, 3(5) and 329(3) of the Bhartiya Nyay Sanhita, 2023, the Applicant approached this Court for grant of pre arrest bail.

2. Heard learned Counsel for the Applicant, who submitted that the crime is registered on the basis of the report lodged by Sagar Sacchidanand Mangalani alleging that three persons have been assaulted him by means of weapon. The name of the present Applicant is not mentioned in the FIR. The entire investigation papers nowhere shows the involvement of the present Applicant in the alleged offence.

Now, investigation is already completed and charge-sheet is filed, the involvement of the present Applicant is on the basis of the statement of the co-accused, which is not the part of the charge-sheet. Thus, considering the entire investigation papers no *prima facie* case is made out against the present Applicant. In view of that, the Application deserves to be allowed.

3. Learned APP strongly opposed the said application and submitted that during the investigation the statement of co-accused was recorded and the name of the present Applicant revealed. In view of that, the Application deserves to be rejected.

4. On hearing both the sides and on perusal of the investigation papers, admittedly the name of the present Applicant is not appearing in the FIR and various statements were recorded during investigation. The involvement of the present Applicant appears to be on the basis of the statement of the co-accused which is not the part of the charge-sheet. Thus, at this stage there is no *prima facie* material to connect the present Applicant to the alleged offence. In view of that, 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 Applicant by order dated 19.05.2025, is hereby confirmed on the condition that, he shall attend the concerned Police Station as and when required for the investigation purpose on receipt of the notice in advance of 7 days.
 - iii. The Applicant 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.
5. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)