



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

CRIMINAL APPLICATION (ABA) NO. 567 OF 2025

Ataullah Khan Yasin Khan Vs 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

Ms Anshula Paunika, counsel h/f Mr. S.V.Sirpurkar, counsel for applicant.
Mrs. M.A.Barbde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 246/2025 registered with Police Station Jalgaon Jamod, District Buldhana for the offence punishable under Sections 115(2), 118(1), 3(5), 351(2), 352, 118(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that as per the allegation in the FIR on 07/05/2025, there was an altercation between the father of the informant and the present applicant on that count, the quarrel took place. In the said quarrel, both the party members assaulted each other, and in that incident, the present applicant is alleged to have assaulted the father of the informant by means of a stick and also assaulted him. On the basis of the said report, police have registered the crime against the present

applicant. She further submitted that the applicant is ready to cooperate with the investigating agency. As far as his custodial interrogation is concerned, which is not required, in view of that, he be protected by granting ad-interim anticipatory bail.

3. Learned APP strongly opposed the said application and submitted that considering the act attributed to the present applicant, who has used the stick and assaulted the informant as well as his father, his custodial interrogation is required for the purpose of recovery of the stick.

4. After hearing both sides and on perusal of the recitals of the FIR, it reveals the allegation levelled against the present applicant that he has assaulted by means of stick. Admittedly, during the hot exchange of words, the alleged incident took place. Thus, there was no preparation as far as the recovery of the stick is concerned, which can be taken care of by imposing certain conditions on the present applicant, in view of that, I proceed to pass the following order.

ORDER

- a] Issue notice to the non-applicant, returnable after **two weeks**.
- b] Learned APP waives service of nojtice on behalf of non-applicant/State and seeks time to file reply.

- c] In the event of arrest in connection with Crime No. 246/2025 registered with Police Station Jalgaon Jamod, District Buldhana for the offence punishable under Sections 115(2), 118(1), 3(5), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant – ***Ataullah Khan Yasin Khan***, shall be released on ad-interim anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- d] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- e] The applicant shall produce the stick which was in commission of the crime before the investigating officer and the said period shall be considered as his custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam (BSA), 2023
- f] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

[**URMILA JOSHI-PHALKE, J.**]