



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

**CRIMINAL APPLICATION (ABA) NO.423 OF 2026**

NAIMODDIN S/O NIZAMUDDIN PATHAN  
VS

STATE OF MAHARASHTRA THR PSO., PS NAGPURI  
GATE, TAH. AND DIST. AMRAVATI

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

Court's or Judge's orders.

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Mr. Tushar U. Tathod, Advocate for the Applicant (s).  
Mr. S.S. Bissa, APP for the Respondent-State.

**CORAM : RAJ D. WAKODE, J.**

**DATE : 26<sup>th</sup> MAY, 2026.**

1. Heard the learned counsel for the applicant (s).
2. Apprehending arrest in connection with Crime No.118 of 2026 registered by the respondent-Police Station Officer, Police Station Nagpuri Gate, District Amravati, on 21.03.2026, for the offences punishable under Sections 118(2), 351(2), and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant has approached this Court seeking grant of anticipatory bail.
3. Admittedly, the complainant is the wife of the applicant. There is a serious matrimonial dispute between the applicant and the complainant. Mr. Tathod, the learned counsel for the applicant, submits that because of such matrimonial dispute, the complainant had earlier lodged a criminal complaint against the present applicant, wherein offences were registered under Sections 498A and 506 of the

Indian Penal Code by Police Station Nagpuri Gate, District Amravati, vide FIR No. 415 of 2020. The trial pursuant to such FIR has resulted in the acquittal of the present applicant vide judgment dated 09.01.2026 passed by the learned 21<sup>st</sup> Additional Chief Judicial Magistrate, Amravati, which is at record page No.19 (Annexure B).

4. The learned counsel for the applicant submits that even if the allegations made in the present FIR are accepted, and the reasons recorded by the learned Trial Court for rejecting the anticipatory bail of the applicant are admitted, the only ground on which the present applicant has been denied the relief of anticipatory bail is the recovery of the stick alleged to have been used by the applicant.

5. The learned Sessions Court has recorded that the custody of the present applicant is required for the sole purpose of seizure of the aforesaid stick. Mr. Tathod, the learned counsel for the applicant, upon instructions, has made a statement that the applicant shall produce the stick before the Investigating Officer if granted protection by this Court.

6. In view of the above and for the reasons stated hereinabove, I am inclined to grant interim protection to the applicant. Accordingly, the following order is passed :-

### ORDER

(i) Issue notice to the non-applicant, returnable on 11.06.2026.

(ii) The learned APP waives service of notice on behalf of the non-applicant-State.

(iii) In the event of arrest in Crime No.118 of 2026 registered by the respondent-Police Station Officer, Police Station Nagpuri Gate, District Amravati, on 21.03.2026, for the offences punishable under Sections 118(2), 351(2), and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on ad-interim anticipatory bail upon furnishing a PR Bond of Rs.50,000/- with one solvent surety in the like amount.

(iv) The applicant shall produce the stick before the Investigating Officer, and the said period shall be considered as custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhinyam, 2023.

(v) The applicant shall attend the concerned Police Station on every Monday between 10:00 a.m. and 1:00 p.m. till the filing of the charge-sheet and shall cooperate with the Investigating Officer.

(vi) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses, directly or indirectly.

(vii) The applicant shall not leave India without prior permission of this Court.

(RAJ. D. WAKODE, J.)