

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

**Criminal Application (ABA) No. 336 of 2019**

**Abdul Rahman**

**Vs.**

**State Through P.S. Nandura City**

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

Mr. Sujeet Jaiswal, Advocate for applicant.  
Mr. V.P. Maldhure. APP for non-applicant.  
Mr. Sirpurkar, Advocate for the informant.

**CORAM : MANISH PITALE, J.**

**DATED : JUNE 26, 2019**

The applicants herein have approached this Court seeking anticipatory bail in respect of offences registered against them and other co-accused persons under Sections 307, 385, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code as per FIR dated 20/4/2019. The case against the applicants is that they along with co-accused persons had assaulted the victim due to a dispute that arose regarding the alleged payment of rent of shop. It is claimed that the applicants and other co-accused persons caused injuries to the victim by means of iron pipe, sticks and fist blows.

2. It is pointed out by the learned counsel for the applicants that there is a running dispute between

two factions in respect of control of a trust, which is also concerned with a Mosque situated in the local area. It is submitted that due to such rivalry there are cases and cross cases registered against the persons belonging to rival factions. It is further pointed out that 7 co-accused persons have already been released on regular bail by order dated 04/05/2019, passed by the Sessions Court by imposing specific conditions. It is submitted that the applicants are ready to abide by the similar conditions and that, therefore, the present application deserves to be allowed.

3. The learned APP has opposed grant of relief in the present application and affidavit in reply is handed over today in the Court. A perusal of reply shows that it is specifically stated that on a statement as per memorandum under Section 27 of the Evidence Act given by one of the co-accused, the iron rods and sticks have been recovered. A reference is made to the criminal antecedents of the applicants, stating that as many as 3 offences are registered against the applicants and co-accused persons, thereby indicating that the applicants do not deserve to be granted bail.

4. The learned counsel for the informant / complainant has also appeared today in the Court and strongly opposed grant of relief in the present application.

5. Heard the learned Advocates for the rival parties and perused the material brought on record. It appears that there are rival factions in the present case and that there is a dispute regarding control of a trust which is concerned with a particular Mosque in the local area. It appears that due to such running dispute between rival factions, number of criminal proceedings have been initiated against the members of the rival factions against each other. As far as the present case is concerned, it has come on record that the alleged weapons used in the assault have been already seized on the statement of one of the accused. It has also come on record that 7 of the co-accused have already been granted regular bail by the Sessions Court by imposing specific conditions.

6. The applicants in the present case assured this Court that they shall co-operate with the investigating agency. Considering the aforesaid material on record, this Court is of the opinion that the present application deserves to be allowed and the applicants deserve to be granted anticipatory bail on specific conditions.

7. Accordingly, the present application is allowed. The applicants are granted anticipatory bail. It is directed that in the event the applicants are arrested in Crime No. 261/2019 of Police Station Nandura Dist. Buldhana, they shall be released on bail

on furnishing PR bond of Rs.25,000/- each and surety of like amount. The applicants shall attend Police Station Nandura City Dist. Buldhana on every Monday and Friday between 10:00 A.M. to 11:00 A.M., till filing of chargesheet. The applicants shall not influence the witnesses. The applicants shall not enter Nandura City till filing of chargesheet and this condition will stand relaxed only for the purpose of abiding by the aforesaid condition of the applicants to attend Police Station on every Monday and Friday, as directed above. The applicants shall not tamper with the evidence or influence the witnesses in any manner.

8. Needless to say that if the applicants happen to breach any of the conditions stated above, relief granted to them shall stand recalled.

JUDGE