

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 649 OF 2021

Abdul Karim Mohd. Aslam Ansari @ Banti .Appellant

Vs.

The State of Maharashtra & ors. .Respondents

**WITH
CRIMINAL APPEAL NO. 647 OF 2021**

Maaz Mukaramuddin Ansari .Appellant

Vs.

The State of Maharashtra & ors. .Respondents

**WITH
CRIMINAL APPEAL NO. 648 OF 2021**

Mukarmuddin Nizamuddin Ansari .Appellant

Vs.

The State of Maharashtra & ors. .Respondents

**WITH
CRIMINAL APPEAL NO. 650 OF 2021**

Shujauddin Nizamuddin Ansari .Appellant

Vs.

The State of Maharashtra & ors. .Respondents

Mr. Azimuddin Kazi a/w Mr. Rizwan A. Khan i/b. N. N. Kazi
& Associates, Advocate, for the Appellants

Mr. A. R. Kapadnis, APP, for the Respondent Nos. 1 & 2 – State

Mr. Raju D. Suryawanshi, Advocate, for the Respondent No. 3

Mr. Nitin Suryawanshi, API, Shantinagar Police Station, Bhiwadni, Thane present

CORAM : N. R. BORKAR, J.

DATE : 19.09.2022

P. C.

. These Appeals are filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SCST Act” for short) against an order passed by the learned Additional Sessions Judge, Thane dated 06.08.2021 in Cri. ABA No. 2357 of 2021.

2. By the order impugned, the trial Court rejected the Anticipatory Bail Applications filed by the present Appellants, who are accused in C.R. No. I-429 of 2021 registered with the Shantinagar Police Station, Thane for the offences punishable under Sections 323, 504 r/w Section 34 of the Indian Penal Code and under Sections 3(1)(c), 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. On 12.08.2021, this Court passed the following order:-

“1. Heard learned counsel for the appellants in all the aforesaid appeals.

2. By these appeals, the appellants seek pre-arrest bail in connection with C. R. No. I-429/2021 registered with the Shantinagar Police Station, Thane, for the alleged offences punishable under Sections 323, 504 and 34 of the Indian Penal Code and under Sections 3(1)(c), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned counsel for the appellants submits that the allegations as against the appellants are false and baseless. He submits that the alleged incident is stated to have taken place on 10th November 2020 whereas, the FIR was lodged on 9th July 2021 and as such, there is a delay of more than 6 months in registering the case. He submits that the respondent No. 2 – complainant works with the appellant’s brother Dr. Nuruddin with whom the appellants have a dispute with respect to a property. He submits that infact, the appellants have filed a civil suit as against Dr. Nuruddin with whom the complainant i. e. respondent No. 2 is working.

4. Issue notice to the respondents. Learned A.P.P. waives service of notice on behalf of respondent Nos. 1 and 2. Mr.

Suryawanshi waives service of notice on behalf of the respondent No. 3.

5. Learned counsel for the appellants to serve copies of the appeals on the learned counsel for the respondent No. 3 within one week from today.

6. Having heard learned counsel for the appellants, the appellants have prima facie made out a case for grant of interim protection.

7. Accordingly, the appellants are granted interim protection on the following terms and conditions :

ORDER

(i) In the event of the arrest, the appellants be enlarged on bail on executing P. R. Bond in the sum of Rs. 20,000/- each, with one or two sureties in the like amount;

(ii) The appellants shall report to the Investigating Officer of the concerned Police Station on 23rd and 24th August 2021 from 10:00 a.m. to 1:00 p.m., and thereafter, as and when called.

8. Stand over to 9th September 2021.

9. All concerned to act on the authenticated copy of this order.”

4. The learned Counsel for the Appellants submits that during the pendency of the present Appeals the State has filed the charge sheet.

5. In view of the filing of charge sheet, instead of entertaining the present Appeals it would be appropriate to direct the Appellants to file Regular Bail Applications before the competent Court and to continue the order passed by this Court dated 12.08.2021 till the decision of the competent Court in the Applications for Regular Bail.

6. The Appellants are directed to file an Application for Regular Bail within a period of three weeks from today. If such Bail Application is filed, the concerned Court shall decide it on its own merits without being influenced by the order passed by this Court dated 12.08.2021.

7. The interim Anticipatory Bail granted to the Appellants by order dated 12.08.2021 shall continue to operate till the decision of the competent Court in the Applications for Regular Bail.

8. The Criminal Appeals are disposed of in the aforesaid terms. Needless to mention that the concerned

Court before passing an order on Regular Bail Applications of the Appellants, shall grant an opportunity of hearing to the Respondent No. 3.

(N. R. BORKAR, J.)