



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO. 2831 OF 2025
IN
CRIMINAL APPEAL NO. 1046 OF 2024

Mohammad Abdul Karim s/o Mohammad Abdul Halim ...Applicant

VERSUS

The State Of Maharashtra ...Respondent

...

Mr. Nasimoddin Rafiyoddin Shaikh - Advocate for Applicant
Mr. A. R. Kale - APP for State

...

AND
CRIMINAL APPLICATION NO. 2834 OF 2025
IN
CRIMINAL APPEAL NO. 1032 OF 2024

Mohammad Nisar s/o Mohammad Abdul Rashid ...Applicant

VERSUS

The State Of Maharashtra ...Respondent

...

Mr. Nasimoddin Rafiyoddin Shaikh - Advocate for Applicant
Mr. A. R. Kale - APP for State

...

CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.
DATED : 6TH AUGUST, 2025

ORAL ORDER [*Per* Neeraj P. Dhote, J.] : -

1. Since these Applications are filed for the same relief, and since the condition which the Applicants are seeking to be relaxed was imposed upon them by a common order passed by this Court, these applications are decided by this common order.

2. Heard the learned Advocate for the Applicants and the learned APP for the Prosecution.

3. The Applicants are the Accused in Special Case No. 31/2023, pending on the file of learned Special Judge, Nanded, arising out of C.R. No. 22/2022, registered with Anti Terrorist Squad (ATS) Police Station, Kala Chowki, Mumbai, for offences punishable under Sections 121-A, 153-A, 120-B, 109, 116, 201 of the Indian Penal Code (IPC) and under Sections 13(1)(B) of the Unlawful Activities (Prevention) Act, 1967 (UAPA). The crime was registered at the instance of Assistant Inspector of Police, attached to ATS, Kala Chowki Police Station, Mumbai on 22.09.2022.

4. The Applicants had approached this Court by way of Criminal Appeals No. 1046 of 2024 and 1032 of 2024, for grant of bail. This Court considered the said Appeals, and after hearing both the sides, allowed the Appeals granting bail to both the Applicants by a common order dated 17th February, 2025. The operative part of the said order reads thus :-

“ORDER

(i) The Criminal Appeals are allowed.

(ii) The order dated 03/10/2024, passed by Additional Sessions Judge, Nanded below Exh.No.22 in Special Case No.31/2023, refusing to grant appellants bail is hereby set aside.

- (iii) The appellants be released on bail in connection with Special Case No.31/2023, pending on the file of learned Special Judge, Nanded, on their executing P.R. bond in the sum of Rs.15,000/- (Rupee fifteen thousand) each with one surety in the like amount.*
- (iv) The appellants shall co-operate in the trial of the case. They shall regularly attend the Trial Court except in compelling circumstances. Until conclusion of trial, they shall mark their presence at Nanalpeth Police Station, Parbhani from 9.00 p.m. to 10.00 p.m. every day, except on the day on which they would be attending the Trial Court.*
- (v) The appellants shall surrender their passports, if any, with the investigating officer. The appellants shall not leave Parbhani and Nanded districts without prior permission of the Trial Court.*
- (vi) If the prosecution finds the appellants to have indulged in tampering of evidence, or other activities causing hindrance in the smooth trial, it may move the Trial Court for cancellation of bail. Needless to mention, the Trial Court would decide such application on its own merits, considering the parameters regarding cancellation of bail.*

5. According to the learned Advocate for the Applicants, the Applicants have diligently complied with the above referred condition of daily attendance at the Police Station, as imposed by this Court. He submits that, due to this condition, the Applicants are not able to effectively prepare for their defence. He further submits that, there has not been a single default on the part of the Applicants, nor has any further offence registered against them.

6. The Application is opposed by the learned APP. He tenders across the bar a copy of report from the concerned ATS. He submits that since the nature of offence registered against the Applicants is serious in nature, this Court had appropriately imposed the condition of daily attendance. He submits that, no case is made out for relaxing the said condition.

7. After hearing both the sides and considering the above aspects, particularly the fact that, six months have passed since the condition was imposed, there is no single default on the part of the Applicants, there is nothing to show that if the said condition of daily attendance is relaxed, there would be any adverse effect on the trial, we are satisfied that, the condition of daily attendance by the Applicants to the Police Station should be relaxed on the following terms.

ORDER

- [i] The Applications are partly allowed.
- [ii] The condition no. [iv] as referred to above in respect of daily attendance of the Applicants to Nanalpeth Police Station, Parbhani, is relaxed.
- [iii] The Applicants shall attend the said Police Station once in a fortnight between 09:00 am to 10:00 am.

[iv] Rest of the conditions imposed upon the Applicants shall remain intact.

8. Applications stand disposed off.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde, PS