



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 ANTICIPATORY BAIL APPLICATION NO. 1877 OF 2024

MOHSIN ALI AYYUB ALI HASHMI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Khan Mohsin Latif Khan

APP for Respondent/State : Mr. A.A.A. Khan

...

WITH

ANTICIPATORY BAIL APPLICATION NO. 1784 OF 2024

ABUL HASAN KHURAM ALI HASHMI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Khan Mohsin Latif Khan

APP for Respondent/State : Mr. A.A.A. Khan

Advocate for informant : Mr. M.D. Gitte

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10/03/2025

PER COURT :

1. Heard the learned counsel for the applicants, the learned APP for the respondent-State and Mr. M.D. Gitte, learned advocate assisting APP.
2. The applicants are apprehending arrest in connection with Crime No. 480/2024 dated 30.9.2024 registered with Cantonment Police Station, District Aurangabad for the offences punishable under sections 109, 126(2), 115(2), 351(2), 351(3) r/w. 3(5) of B.N.S., 2023.
3. This Court by order dated 21.10.2024 has granted interim protection to the applicant in ABA No. 1784/2024 by noting the submissions and reasons at para Nos. 3 to 6, as under :-

"3. Learned Counsel for the Applicant submits that as reflected in the FIR there is dispute between the informant and family of the Applicant. It is his submission that there is no whisper in the order of the Additional Sessions Judge

rejecting anticipatory bail as to the injuries caused to the informant. He has placed on record copy of the papers pertaining to the Government Hospital, which according to him are received by him during the course of hearing before learned Additional Sessions Judge, which do not indicate any causing of any injury to the Informant. Thus, it is his case that this is the case of false implication and an offence under Section 109 of the Bharatiya Nyaya Sanhita is not made out.

4. Learned Counsel for the Informant submits that there are as many as 9 offences registered against the Applicant and hence, this is not the case for grant of interim protection.

5. At this prima facie stage, there is material on record in the form of FIR to indicate that there are disputes between informant and family of the Applicant. Apart from this, the order passed by the learned Additional Sessions Judge does not make any mention about any injury being caused to the Informant.

6. Having regard to these facts, possibility of false implication is not ruled out. Hence, till the prosecution is heard in the matter, liberty of the Applicant is protected. Hence, the order :"

4. The learned counsel for the applicant submits that the role of the applicant in ABA No. 1877/2024 is similar to the applicant, who has been granted interim protection by this Court vide above order.

5. Today, the learned APP has produced the injury certificate which shows that simple injury is sustained by the informant. The learned APP submits that the investigation is almost completed and that the applicant has cooperated with the investigation as directed by this Court.

6. Considering that there has been family dispute between the informant and family of the applicants, and considering the interim order passed in ABA No. 1784/2024, possibility of false implication of the applicants in this crime cannot be ruled out.

7. Considering the above and considering that the injuries sustained by the informant are simple and considering that the interim protection is granted by this Court on 21.10.2024 in ABA No.1784/2024, relief of anticipatory bail can be granted/confirmed to both the applicants in both applications.

8. In view of the above, the interim protection granted on 21.10.2024 to the applicant – Abul Hasan Khuram Ali Hashmi in ABA No. 1784/2024 is confirmed and both the applications are allowed on the following terms :-

i] In the event of arrest of applicant – Mohsin Ali Ayyub Ali Hashmi in ABA No. 1877/2024 in connection with Crime No. 480/2024 dated 30.9.2024 registered with Cantonment Police Station, District Aurangabad for the offences punishable under sections 109, 126(2), 115(2), 351(2), 351(3) r/w. 3(5) of B.N.S., 2023, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount.

ii] The applicants in both the applications shall attend the police station as and when required.

iii] The applicants in both the applications shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants in both the applications shall co-operate with the investigation and also in the proceedings before the trial Court.

9. In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited for the purpose of disposal of the present anticipatory bail applications and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. Both the applications stand disposed of.

[ARUN R. PEDNEKER, J.]

SSC/