



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

CRIMINAL APPLICATION (ABA) NO.70 OF 2025
(Abdul Rehman s/o Abubakar Dhandhala Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Ansari, Advocate for the applicant.
Ms S. Kolhe, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 4, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.530/2024 registered with Police Station Mankapur, Nagpur District Nagpur for the offences punishable under Sections 191(3), 191(2), 190, 189(4), 189(2), 109 of the Bharatiya Nyaya Sanhita, 2023, Section 135 of the Maharashtra Police Act and Sections 4/25 of the Arms Act, 1959, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by one Saurabh Nair. Initially, the offence was registered against the five known persons and six unknown persons. It is alleged that on 30/11/2024 when the complainant was talking on phone, at that time, he saw that some quarrel is in progress between the boys playing cricket on the ground and he pacified the said quarrel. After sometime, some boys from Tajnagar area came on the ground namely Lucky and Monu along with 8

to 9 friends and started abusing the complainant. On 01/12/2024 the complainant had called one of his friend namely Jihan and informed him that these two boys had abused him in a filthy language and is requested him to make them understand not to repeat again. On the same day at around 7.00 PM the said Jihan had asked the complainant to come at the ground and at that time, said Jihan and the other co-accused who were present there again started abusing the complainant. The complainant also taunted abusive remarks to those persons and thereafter he received a phone call from one Monu on 02/12/2024 at around 4.00 PM and said Monu threatened the complainant. However, he again called in the night at around 7.23 PM at that time the complainant did not receive those phone calls and thereafter at around 7.35 PM when the complainant again received a call of Lucky at that time again there was verbal exchange of the abuses between them. The complainant and his friends were standing at the square when the complainant had made a phone call to the co-accused at the relevant time 10 to 12 persons holding weapons in their hand and assaulted Shivam with knife. The said assault was on the waist because of which Shivam got injured. The complainant had narrated the incident in the First Information Report and on the basis of the same the crime was registered.

3. Learned Counsel for the applicant submitted that as far as the presence of the present applicant is

concerned no overt act is attributed to him, and therefore, his custodial interrogation is not required and hence he be released on anticipatory bail.

4. *Per contra*, learned APP submitted that the applicant is unknown to the other prosecution witnesses, and therefore, his TI parade is to be carried out and hence, his custodial interrogation is required. She further placed reliance on the CCTV footage and submitted that not only the presence of the present applicant but it reveals that his involvement is also in the exchange of abuses. Therefore, considering the role of the present applicant, his custodial interrogation is required. In view of that, the application deserves to be rejected.

5. On perusal of the entire investigation papers, it reveals that the quarrel started on a trivial reason of playing cricket between the two groups and thereafter as the complainant has intervened in the quarrel the applicant and other co-accused abused him on several occasions and thereafter assaulted one of the prosecution witness namely Shivam who has sustained the grievous injuries. As far as the present applicant is concerned, not only his presence but his involvement in hot exchange of words with the complainant and other prosecution witnesses is also recorded in the CCTV footage. Considering the circumstance that not only once but on 4 to 5 occasions, the complainant was threatened by the co-accused and present applicant was also part of the said

unlawful assembly and in pursuance of the common object of the said assembly, the prosecution witnesses are not only abused but assaulted by them. *Prima facie* case is made out against the present applicant. In view of that, the application deserves to be rejected.

6. The application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*