



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

CRIMINAL APPLICATION NO.233 OF 2025

IN

CRIMINAL APPLICATION (ABA) NO.35 OF 2025

(Mohammad Hasan Abdul Khalik 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. C.A. Babrekar, Advocate for the applicant.
Mr. M.K. Pathan, APP for the State.
Mr. Y.J. Sheikh, Advocate for Assist to Prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 30, 2025.

Heard.

2. By this application, the original complainant is seeking permission to assist the prosecution by engaging the Counsel.

3. In view of the contention raised in the application and the application is filed by the original complainant, permission is granted to engage the Counsel to assist the prosecution.

4. The application is allowed and disposed of accordingly.

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5. Apprehending the arrest at the hands of police in connection with Crime No.458/2024 registered with police station Nagpuri Gate, District Amravati for the

offence punishable under Sections 352 and 109 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, 1951, the applicant approached to this Court for grant of pre-arrest bail.

6. Learned Counsel for the applicant submitted date due to the property dispute between the applicant and the informant's family the alleged incident has taken place. He submitted that as far as the role of the present applicant is concerned who has given a blow on the head of the injured by means of stick. The injured has sustained the simple injuries. The stick is already recovered. The custodial interrogation of the present applicant is not required. In view of that, he be protected by granting anticipatory bail.

7. Learned APP strongly opposed the application and submitted that considering the repeated incidents took place between the applicant's family members and the informant's family members, several reports are filed against the present applicant and his neighbours. If he is released on anticipatory bail there is apprehension of occurrence of the similar incident. He further submitted that though the injuries explained by the Medical Officer appears to be simple, but the photographs which are filed on record sufficiently shows that the injured has sustained the bleeding injuries. Thus, considering the same, the application deserves to be rejected.

8. Learned Counsel for the applicant endorsed the same contention and filed on record various complaints initially filed by the informant and the other family members.

9. After hearing both the sides and on perusal of the investigation papers and the various reports filed by the informant, it reveals that due to the previous disputes, the repeated complaints are filed by the informant and his brothers. Some non-cognizable reports are also filed. The photographs on record sufficiently shows that the injured has sustained the bleeding injuries. The recitals of the previous FIR also shows the involvement of the present applicant and the other co-accused in the assault on the informant and his family members. Thus, considering the repeated incidents and the applicant is taking law in his hand in the similar type of incidents, the applicant cannot be protected by granting anticipatory bail. Hence, the application deserves to be rejected.

10. Accordingly, the application is rejected.

(URMILA JOSHI-PHALKE, J.)