



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

CRIMINAL APPLICATION (ABA) NO.228 OF 2025
(Abdul Hakim Abdul Matin and anr. 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. P.A. Deshpande, Advocate for the applicants.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 23, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.308/2025 registered with Police Station Washim (City), Tahsil and District Washim for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 189(4), 190, 191(2), 191(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Counsel for the applicants submitted that there was dispute between the two parties on a ground of the possession of the Masjid on account of taking over the control of the said Masjid and on that count informant was assaulted by the present applicants and the other co-accused. On the basis of the said report, police have registered the crime against the present applicants. He submitted that as far as the present applicants are concerned, only allegation is that they came at the spot of incident by holding sticks in their hand and chased the informant but the informant fled away from the spot. Thus, it is submitted that as far as the allegation

against the present applicants are concerned there is no allegation as to the assault by them on the informant, therefore, their custodial interrogation is not required.

3. Learned APP strongly opposed for the same on the ground that considering the facts of the present case, the applicants approached to the area of the Masjid along with the weapons in their hand, and therefore, their custodial interrogation is required.

4. After hearing both the sides and on perusal of the investigation papers, it reveals that the involvement of the present applicants are only to the extent that they are holding sticks and chased to the informant to some extent. Thus, considering the role attributed to the present applicants, their custodial interrogation is not required. In view of that, they have made out a case for grant of anticipatory bail. Accordingly I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicants –

1) Abdul Hakim Abdul Matin and
2) Mohammad Zakir Shaikh Rahim Beldar in connection with Crime No.308/2025 registered with Police Station Washim (City), Tahsil and District Washim for the offences punishable under Sections 109, 115(2),

118(1), 189(2), 189(4), 190, 191(2), 191(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet and shall co-operate with the Investigating Agency.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*