



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 600 OF 2025

(Abdul Mobin Abdul Rashid & Anr.

Vs.

State of Maharashtra, Thr. PSO Badnera, District Amravati)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.V. Navlani, Advocate for the Applicants.

Ms. H.N. Prabhu, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 25th AUGUST, 2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.338/2025 registered with Police Station Badnera, District Amravati for the offences punishable under Sections 109(1), 351(3), 352, 189(2), 189(4), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act, the Applicants approached to this Court for grant of pre arrest bail.

2. Heard Mr. Navlani, learned Counsel for the Applicants, who submitted that the crime is registered on the basis of a report lodged by the Informant Shaikh Mohammad Imran Abdul Sayeed on an allegation that he and the Applicants are childhood friends and were engaged in a property business. In the year 2023, the Informant, wife of the Applicant namely Shazia Parveen and the wife of friend of

the Applicant No.1 namely Bharti Pravin Rathod, had purchased 10 H 61 R agricultural land situated at Mouza Kita, Survey No.95, Tq. and District Yavatmal in partnership. The Informant had 50% share, Shazia Parveen and Bharti Pravin Rathod had 25% share each in this land. After about four months of purchase of the said land, one customer showed interest in purchasing the said land. However, as per the Informant the Applicant No.1 his wife Shazia Parveen and Bharti Rathod were not showing interest in selling the said land and they were avoiding sale transaction of this land since the year 2023. As the Informant was in urgent need of money, he made phone call to the Applicant on 14.07.2025 to ask him about sale transaction upon which the Applicant abused him in filthy language and threatened him by saying that he will not sell the land. Therefore, the Informant and his elder brother Mohd. Sajid went to the house of the Applicant to talk to him about sale transaction. At that time, the Applicant and his brothers and the Applicant No.2 Ab. Naim, Ab. Muqim, Ab. Maviya and two unknown assailants raised attack on the Informant and his brother. The Applicant No.1 threatened the Informant to kill by raising gun on his person and fired a bullet. In the said incident the Informant as well his brother sustained the injuries. On the basis of the said report, Police have registered the crime against the present Applicants.

3. He submitted that regarding the said incident the cross complaints are filed. During the pendency of the cross complaints both parties have arrived at a settlement and they have filed quashing proceeding also. As far as the injured are concerned now they are not under the apprehension of death,

they are already discharged from the Hospital and the investigation is practically completed. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed for the same and submitted that considering the nature of the injuries sustained by the injured and the other prosecution witnesses in which the weapons like fire arm and sharp weapons were used, wherein three persons have sustained the injuries. The statements of the witnesses also discloses the involvement of the present Applicants in the alleged incident. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the statements of witnesses as well as medical certificate which is on record shows the involvement of the present Applicants in the alleged offence, but considering the fact that now they have already settled the dispute between themselves. Admittedly, the alleged incident has occurred on account of selling of the land which was purchased by them jointly. As they have already arrived at a settlement and the application is already filed for quashing of the proceeding and considering the fact that the custodial interrogation is not required, the Application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- i. The Application is **allowed**.

- ii. In the event of the arrest, the Applicant No.1- **Abdul Mobin Abdul Rashid** and Applicant No.2- **Abdul Naim Abdul Rasheed** in connection with Crime No.338/2025 registered with Police Station Badnera, District Amravati for the offences punishable under Sections 109(1), 351(3), 352, 189(2), 189(4), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand) each 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 01.00 p.m. till filing of the charge-sheet and shall cooperate 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.
- v. The Applicants shall not indulge themselves in similar type of activities and single registration of the offence would lead to the cancellation of bail.

vi. The Applicants shall produce the weapons i.e. fire arm and sword before the Investigating Officer and the same period will be considered as their custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.

6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)