



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

CRIMINAL APPLICATION (ABA) NO. 601 OF 2025

(Mohammad Sajid S/o Abdul Sayeed & Ors.

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. R.J. Mirza, Advocate for the Applicants.

Mr. V.A. Thakare, 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.339/2025 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. Mirza, learned Counsel for the Applicants, who submitted that the crime is registered on the basis of a report lodged by the Informant Abdul Mobin Abdul Rashid on an allegation that he and the Applicants are childhood friends and were engaged in a property business. The Informant alongwith accused Imran and one Pravin Rathod purchased agricultural land admeasuring 26 acres. The accused Imran requested Informant to sale the said land and requested him to bring the sale deed which is executed in

the name of wife Informant and wife of Pravin Rathod. The Informant has given understanding to the accused that the land is not purchased for reselling and it is purchased for purpose of cultivation. On refusal for the same, the accused Mohd. Imran alongwith other accused formed unlawful assembly with common intention alongwith weapon i.e. sword and gun entered into the house of the Informant and threatened him to kill by raising gun on his person and fired a bullet. In the said incident the Informant as well as others 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- **Mohammad Sajid S/o Abdul Sayeed** and Applicant No.2-**Mohammad Nadeem Abdul Baki** and Applicant No.3-**Abdul Wasim Abdul Khalique** in connection with Crime No.339/2025 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.)