

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1134 OF 2024

|                                      |               |
|--------------------------------------|---------------|
| Ansar <i>alias</i> Pavej Raja Ansari | ...Applicant  |
| <i>Versus</i>                        |               |
| The State of Maharashtra             | ...Respondent |

WITH  
INTERIM APPLICATION NO.3317 OF 2024  
IN  
BAIL APPLICATION NO.1134 OF 2024

|                    |              |
|--------------------|--------------|
| Aijaz Riyaz Shaikh | ...Applicant |
|--------------------|--------------|

IN THE MATTER BETWEEN

|                                      |                |
|--------------------------------------|----------------|
| Ansar <i>alias</i> Pavej Raja Ansari | ...Applicant   |
| <i>Versus</i>                        |                |
| The State of Maharashtra & Anr.      | ...Respondents |

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Mr. Bhushan U. Deshmukh a/w Shashank S. Patare, for the Applicant.  
Ms. R. V. Newton, APP, for the Respondent-State.  
Mr. Nikhil M. Pujari, for the Intervenor.

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CORAM: MADHAV J. JAMDAR, J.  
DATED: 23 SEPTEMBER 2024

P.C.:

1. Heard Mr. Deshmukh, learned Counsel for the Applicant, Ms. Newton, learned APP for the Respondent-State, and Mr. Pujari, learned Counsel for the Intervenor.
2. By the present Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973*, the Applicant is seeking bail in

connection with C.R. No.265 of 2023 registered with Yeola City Police Station, District - Nashik. The relevant details are as follows:-

|   |                                |                                                                                                         |
|---|--------------------------------|---------------------------------------------------------------------------------------------------------|
| 1 | C.R. No.                       | 265 of 2023                                                                                             |
| 2 | Date of registration of F.I.R. | 10/08/2023                                                                                              |
| 3 | Name of Police Station         | Yeola City, District-Nashik                                                                             |
| 4 | Section/s invoked              | 392, 397, 387, 341, 427 & 506 r/w 34 of the <i>I.P.C.</i> , 1860; 4 & 25 of the <i>Arms Act</i> , 1959. |
| 5 | Date of incident               | 10/08/2023                                                                                              |
| 6 | Date of arrest                 | 12/08/2023                                                                                              |
| 7 | Date of filing Charge-sheet    | 12/10/2023                                                                                              |

**3.** The present Applicant has filed an Application bearing Exh.3 in Sessions Case No.228 of 2023 and by Order dated 4th January 2024 the said Bail Application was rejected. The prosecution case is set out in said Order in Paragraph No.3. The said Paragraph No.3 reads as under:

*“3. Perusal of the FIR reflects that applicant and other two accused came by two motor cycle from behind and stopped the complainant. Applicant took the knife from the accused No.2 and threatened the witness Ejaj Shaikh by saying that, “if he wants to reside in the village, then he will have to pay Rs.50,000/- to him” and assaulted the complainant by knife, however, he skipped the same. The applicant took away Rs.4,300/- from the pocket of the complainant. The matter came to be reported to the police.”*

**4.** It is the submission of Mr. Deshmukh, learned Counsel for the Applicant that the Informant is a politician and in fact he is a close friend of the Applicant. He pointed out a photograph which has been annexed at Page No.64A of the Application and submitted that the

Informant had attended the birthday party of the Applicant and in fact he had organized the same. He submitted that the case filed is a false case. He submitted that F.I.R. has been lodged due to some personal enmity. He submitted that the Accused No.2 who is having the same role, has been enlarged on bail by the learned Trial Court by Order dated 3rd November 2023 passed by the Additional Sessions Judge, Yeola in Criminal Bail Application No.196 of 2023.

**5.** On the other hand, Ms. Newton, learned APP strongly opposed the Bail Application. The Respondent-State of Maharashtra has filed Affidavit dated 26th July 2024 of Police Sub Inspector, presently attached to Sonai Police Station, Ahmednagar City, District – Ahmednagar. Thereafter an additional Affidavit has also been filed on 29th August 2024. As per the additional Affidavit, there are a total of 12 offences registered against the present Applicant. The details of these offences are mentioned in Paragraph No.3 of said Affidavit dated 29th August 2024, which reads as under:-

| Sr. No. | Name of Police Station    | C.R. No. | Under/Sections      | Current Status | Complainant Name              |
|---------|---------------------------|----------|---------------------|----------------|-------------------------------|
| 1       | Yeola City Police Station | 120/2018 | u/s 324, 323 of IPC | Pending        | Adnan Akil Ansari             |
| 2       | Yeola City Police Station | 179/2018 | u/s 307, 324 of IPC | Pending        | Shahid Mohammad Shakil Ansari |
| 3       | Yeola City Police Station | 244/2022 | u/s 354, 323 of IPC | Pending        | Samina Mustak Khan            |
| 4       | Yeola City Police Station | 295/2022 | u/s 354, 427 of IPC | Pending        | Anjum Yjaj Shaikh             |

|    |                           |             |                                         |         |                      |
|----|---------------------------|-------------|-----------------------------------------|---------|----------------------|
| 5  | Yeola City Police Station | 265/2023    | u/s 397, 392 of IPC                     | Pending | Sari Ashpak Ansari   |
| 6  | Yeola City Police Station | 123/2015    | u/s 341, 326 of IPC                     | Pending | Jakaria Abdul Ansari |
| 7  | Yeola City Police Station | 135/2018    | u/s 143, 147, 448, 427, 504, 506 of IPC | Pending | Raees Chand Shaikh   |
| 8  | Manmad Police Station     | 205/2018    | u/s 307, 324 of IPC                     | Pending | Hasim Harun Shaikh   |
| 9  | Yeola City Police Station | NC 626/2022 | u/s 507 of IPC                          |         | Yyaj Raees Shaikh    |
| 10 | Yeola City Police Station | NC 194/2018 | u/s 323, 504, 506 of IPC                |         | Saibas Nisar Kokani  |
| 11 | Yeola City Police Station | NC 428/2018 | u/s 323, 504, 506 of IPC                |         | Raees Chand Shaikh   |
| 12 | Yeola City Police Station | NC 457/2018 | u/s 323, 504, 506 of IPC                |         | Raees Chand Shaikh   |
| 13 | Yeola City Police Station | NC 373/2022 | u/s 507 of IPC                          |         | Mustak Khan Ajj Khan |

**6.** Ms. Newton, learned APP submitted that as the Applicant is a habitual offender, the Bail Application be rejected.

**7.** The Informant has filed an Intervention Application in this Bail Application. Mr. Pujari, learned Counsel for the Intervenor submitted that the offence involved in this case is a very serious offence. He submitted that the vehicle which is used in the offence is recovered, and cash amount of Rs.4,300/- has also been recovered from the Accused. He submitted that 1 knife also recovered from the present Applicant. He therefore submitted that the Applicant be not released on bail.

**8.** Perusal of the record shows the incident in question took place on 10th August 2023, F.I.R. was lodged on 10th August 2023 and the

Applicant was arrested on 12th August 2023. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 12th October 2023. Till date, there is no progress in the trial and even the Charge is also not framed. Accordingly, the trial will take a considerably long time to conclude.

**9.** As far as the offences which are registered against the Applicant are concerned, 5 are non-bailable offences. As far as the other offences are concerned, 1 offence is of the year 2015, 4 offences are of the year 2018, 2 offences are of the year 2022 and 1 offence is of the year 2023 which is the present offence. As far as the offences of the year 2022 are concerned, they are under Sections 354 and 323 of the *Indian Penal Code, 1908* (“**IPC**”), and under Sections 354 and 427 of the IPC. As far as the present offence is concerned, the photograph which has been annexed by the Applicant at Page No.64A is not denied by the Informant.

**10.** There is substance in the contention that the Applicant and Informant are friends and due to some enmity, the offence has been registered. The mother of the Applicant has filed an Affidavit dated 18th September 2024, stating that the present C.R. is filed by the Informant at the instance of Yaj Raees Shaikh with some ulterior motive.

**11.** In any case, as the investigation is completed and Charge-sheet is filed, the Applicant can be enlarged on bail.

**12.** However, as there are several offences registered against the Applicant and most of them are registered with Yeola Police Station, Nashik and Manmad Police Station, Nashik, Mr. Deshmukh, learned Counsel, after taking instructions, states that the Applicant will therefore not reside within District – Nashik and that the Applicant will reside at C/o Ansari Aasiya Bano Nisar Ahmad, Plot No.13, Chalisgaon Road, Near Bushra Hotel, Garib Nawaz Nagar, District-Dhule.

**13.** The Applicant does not appear to be at risk of flight.

**14.** Accordingly, the Applicant can be enlarged on bail by imposing stringent conditions.

**15.** In view thereof, the following order:-

### **ORDER**

- (a) The Applicant - Ansar *alias* Pavej Raja Ansari be released on bail in connection with C.R. No.265 of 2023 registered with the Yeola City Police Station, District – Nashik on his furnishing P.R. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Nashik district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Chalisgaon Road Police

Station, District – Dhule once in a week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Chalisgaon Road Police Station, District – Dhule to communicate details thereof to the Investigating Officer.

- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

**16.** The Bail Application is disposed of accordingly.

**17.** It is clarified that the Trial Court shall decide the case on its merits uninfluenced by the *prima facie* observations made in this Order.

**18.** In view of disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]