



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

28 ANTICIPATORY BAIL APPLN. NO.214 OF 2025

1] BABBU SHAHANUR SHAIKH
2] RAKIBKHA S/O. RASHIDKHA PATHAN
3] SAMIR S/O. YUSUF SHAIKH
4] JAVED KHAN S/O. RASHEED KHAN
5] AJIM S/O. AFZAL SHAIKH

VERSUS

THE STATE OF MAHARASHTRA & ANOTHER

...

Advocate for Applicants : Mr.S.S.Patunkar h/f. J.P.Legal
Associates

APP for Respondent-State : Mr.Ruchir S. Wani
Advocate for the Assist to P.P. : Mr.I.G.Durrani

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WITH

**CRIMINAL APPLICATION NO.651 OF 2025
IN ABA NO.214 OF 2025**

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17.02.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No.651 of 2025 for assisting to the P.P., the same is allowed. Criminal Application is disposed of accordingly.

2] Heard learned counsel for the applicants in AB No.214/2025, the learned APP for the respondent-State and the learned counsel for the Assist to the P.P.

3] The applicants are apprehending arrest in connection with Crime No. 0595/2024, registered at Bidkin Police Station Tq.Paithan, District Aurangabad, for the offence punishable under Section 109, 126 (2), 189 (2), 190, 191 (2), 191 (3) of the Bhartiya Nyaya Sanhita, 2023.

4] The allegations against the applicants are that accused nos. 2 and 3 assaulted Anis by means of iron rod and wooden stick. It is further alleged that Anis was taken to the Government Hospital for medical treatment. Thereafter again at around 3.30 p.m. accused no.1 assaulted the informant by sickle, accused no.2 assaulted the informant by sword, accused no.3 assaulted informant by means of iron rod on his back, accused no.4 and 5 assaulted informant by means of wooden rods on his back and Najir Shaikh.

5] The learned counsel for the applicants submits that there is civil dispute between the parties and informant's Aunt is Upa Sarpanch of the village Sompuri whereas sister in law of applicant no.4 is Sarpanch. He submits that there is political rivalry between the parties and that various people are roped in the alleged crime and the applicants are not involved in the alleged crime. The learned counsel for the applicants submits that the informant is seen at 4.30 p.m. in some other shop.

6] *Per contra*, the learned APP and the learned counsel for assist to the P.P. submit that CCTV footage is available of the incidents and in the second incident, all the accused are seen beating the informant. The learned APP submits that in the CCTV footage, all accused are seen beating the informant and accused no.1 is seen assaulting by sickle, accused no.2 assaulted by sword, accused no.3 assaulted by means of iron rod, accused no.4 and 5 assaulted by means of wooden stick to the informant and Najir. The learned counsel counsel further submits that in the first incident which has taken place at 12.30 p.m., there is independent eye witness. The learned APP produced medical certificate of the Taufik Shaikh and Anis Shaikh. Taufik has suffered four injuries on left wrist, right hand, abdomen left side and back and medical certificate shows that injuries are simple in nature. Anis Shaikh has suffered three injuries on forehead, face left cheek and head and medical certificate shows that injuries are simple in nature.

7] *Prima facie*, it is seen in the CCTV footage that accused no.1, accused no.2, accused no.3, accused nos.4 and 5 assaulted the informant and Najir. There is independent eye witness to the incident. It is also seen that all the accused have gathered before the second incident and on arrival of the informant has assaulted him. Thus, the

role of the individual accused cannot be separated at this stage. There are injuries caused to the informant and Anis. Considering the same, this is not a case to grant anticipatory bail in favour of the applicants. Hence the present application is dismissed.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall not be influenced by the observations of this Court while deciding regular bail or at trial.

[ARUN R. PEDNEKER]
JUDGE

DDC