



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

922 ANTICIPATORY BAIL APPLICATION NO. 235 OF 2025

ASIF AJMODDIN SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Fayaz K. Patel

APP for Respondent/State: Ms. Preeti V. Diggikar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 20.02.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No.07/2025, dated 02.01.2025, registered at Vivekanand Chowk Police Station, District Latur, for the offences punishable under Sections 109, 115(2), 118(1), 189(1), 189(2), 191(2), 191(3), 351(2), 351(3) of the B.N.S. & Section 135 of the Maharashtra Police Act.

3] The learned counsel for the applicant submits that in all 10 persons are alleged to have assaulted the informant and other persons. It is also alleged that all the accused have come together to assault with a pre-

meditation to assault the informant and others and 3 grievous injuries are caused on vital part of the body. So also, it is stated that the 4 persons have suffered multiple simple injuries. It is stated that the accused nos.3, 5, 6, 7, 8 and 10 were arrested and that they were released on bail. The learned counsel for the applicant produced the order passed in the case of brother and father of the applicant and states that they are now being released on bail considering the specific role attributed to them. As such, the learned counsel for the applicant prays for anticipatory bail as there is no specific role attributed to the applicant.

4] Per contra, the learned APP submits that the role of the present applicant cannot be separated from the other applicants as they have collectively assaulted the victim and the others. The injuries caused are severe in nature and, as such, the application for anticipatory bail may be rejected.

5] Perused the FIR and the order of the Session Court. It is stated that the other accused had come with the specific weapon and as far as the present applicant is concerned he is not seen with any weapon he is merely seen in the CCTV footage but there is no assault by the present applicant. Considering that the other accused are already granted bail and that the applicant is not seen in the CCTV footage assaulting the victim and that there is no recovery

to be made at the instance of the applicant, his case can be considered for grant of anticipatory bail.

6] In view of the above, the application is allowed in the following terms :

i] In the event the applicant is arrested in connection with Crime No.07/2025, dated 02.01.2025, registered at Vivekanand Chowk Police Station, District Latur, for the offences punishable under Sections 109, 115(2), 118(1), 189(1), 189(2), 191(2), 191(3), 351(2), 351(3) of the B.N.S. & Section 135 of the Maharashtra Police Act, he shall be released on bail on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station 25.02.2025 and 26.02.2025, between 10:30 a.m. to 01:30 p.m.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

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 proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

marathe