



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 ANTICIPATORY BAIL APPLICATION NO. 398 OF 2025

JAID ALIAS JAID MOHAMMAD IMTIYAJ SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocates for Applicant : Mr. Sagar P. Mahale, Mr. Saad H. Shaikh h/f. Mr.
Shaikh Mazhar A. Jahagirdar
APP for Respondent/State : Mr. G.O. Wattamwar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 07/05/2025

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 49/2025 dated 17.1.2025 registered with Shrirampur City Police Station, Shrirampur, Taluka Shrirampur, District Ahilyanagar for the offences punishable under sections 109, 118(1), 125, 352, 351(2), 189(2), 191(2), 191(3) of B.N.S., 2023 and section 25(3) of Arms Act.
3. This Court by order dated 4.4.2025 has granted interim protection to the applicant by noticing the submissions at para Nos. 3, 4 and 5, as under :-

"3] The learned counsel for the applicant submits that the applicant and the informant has settled their matter and that the informant has filed no objection before the Sessions Court for grant of anticipatory bail to all the other co-accused. He also submits that the case against the present applicant is that the applicant has hit one Kayyum Kasim Shaikh by a fighter. He submits that there is no corresponding injury on Kayyum Kasim Shaikh. In view of the same, he submits that the present applicant may be granted anticipatory bail.

4] The learned APP submits that one Afroz Shaikh, who has been granted anticipatory bail in his statement has stated that, while running from the spot he has handed over the gun to the present applicant. The learned APP further submits that percussion cap was also found at the spot of the incident and there was usage of gun and the same is to be recovered. In view of the same, the learned APP submits that the gun has to be recovered from the present applicant.

5] Considering the role of the applicant that he has assaulted the Kayyum Kasim Shaikh by a fighter and that no corresponding injury is suffered or have been inflicted, the present applicant can be granted anticipatory bail. As regards the submission of the learned APP for recovery is concerned, the applicant can be directed to attend the concerned police station for investigation."

4. The learned counsel for the applicant submits that in pursuance to the interim order, the applicant has attended the concerned police station and has cooperated with the investigation. However, the learned APP submits that the applicant has attended the police station, but not cooperated with the investigation, in order to discover the weapon.

5. Considering the interim order passed by this Court on 4.4.2025, more particularly, para No. 5 noted above and considering that the investigation is complete, interim protection granted earlier can be confirmed.

6. In view of the above, the application is allowed and the interim protection granted on 4.4.2025 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required.

ii] 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.

iii] 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 for the purpose of disposal of the present anticipatory bail application and the trial Court shall not be influenced by the observations made hereinabove.

9. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/