



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

31 ANTICIPATORY BAIL APPLICATION NO. 404 OF 2025

SAMIR @ ANWAR DASTGIR SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Joydeep Chatterji

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

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21st APRIL, 2025

PER COURT:

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

2] The applicant has approached this Court apprehending arrest in connection with Crime No.0192/2024, registered with Shevgaon Police Station, Shevgaon, District Ahmednagar, for the offences punishable under Sections 307, 326, 323, 143, 147, 148, 149, 120(B) of the Indian Penal Code, 1860 and Sections 3, 4, 25 of the Arms Act.

3] The complaint lodged by the informant that in all 5 persons attacked the informant out of which 3 of them were carrying guns and fired the same on the informant. However, the informant was not injured, as the bullets missed the informant. Thereafter, it is stated that the

informant followed the assailants and one of the assailant assaulted the informant with sickle in which the informant suffered grievous injuries which resulted in the filing of the present FIR and for the same incident another FIR is also registered at the instance of the accused in the present crime against the informant and others.

4] Prima facie, from the material on record, it is obvious that the incident has taken place, although, both the parties may have different versions. From the scene bullet shells were recovered as is seen from the police papers. So also, there are statements of the eye witness recorded after 7 days of incident and the supplementary statement of the informant recorded after 12 days in which the name of the present applicant is mentioned as the person who has used the pistol. However, the informant in the FIR has stated name of only 2 persons and he further stated he will recognize the other 3 unknown persons if seen again and later on he learnt the name of the applicant and named the applicant.

5] The incident has taken place and there are cross-FIRs. The involvement of the applicant cannot be ruled out at this stage and the gravity of the offence being grave, this would not be a case for grant of anticipatory bail.

6] The observations made here are prima facie in nature and would not come in the way of the applicant, while seeking regular bail or at any further stage.

7] The Anticipatory Bail Application stands dismissed.

[ARUN R. PEDNEKER, J.]

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