



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

917 ANTICIPATORY BAIL APPLICATION NO. 259 OF 2025

Rizwan Shafik Khan
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Syed G. R.
APP for Respondents-State: Mr. A. A. A. Khan
Advocate for Assist to APP : Mr. S. R. Pande

...

WITH

**CRIMINAL APPLICATION NO. 1060 OF 2025
IN ABA/259/2025**

Shaikh Shahbaz Shabbir Tamboli
VERSUS
Mohammad Rizwan Mohammad Shaikh And Another

...
Advocate for Applicant : Mr. Pande Shashikant R.
APP for Respondents-State: Mr. A. A. A. Khan

....

CORAM : ARUN R. PEDNEKER, J.

Dated : April 03, 2025.

PER COURT :-

1. Criminal Application No. 1060 of 2025 is filed to assist the learned APP. The application is allowed and disposed of.
2. Heard the learned counsel for the applicant, the learned APP for the respondent-State, and the learned counsel assisting the learned APP.
3. The applicant apprehends arrest in connection with FIR No.22/2025, dated 16/01/2025, registered at Kotwali Police Station, Parbhani, District Parbhani, for offences punishable under Sections 109(1), 118(2), 324(2), and

49 of the Bharatiya Nyaya Sanhita (corresponding to Sections 307, 326, 426, and 34, 109 of the IPC).

4. This Court, by order dated 18/02/2025, granted interim protection to the applicant. The said order was not on merits. The learned counsel for the applicant submits that the applicant as per directions of this Court the applicant has attended the police station and has cooperated with the investigation.

5. The case against the applicant is that the co-accused allegedly assaulted the informant at his instance, resulting in grievous injuries to the informant. However, the co-accused who committed the assault have been arrested and are in custody. It is alleged that the assault occurred on the applicant's instigation, but the applicant was not present at the scene of the offence.

6. Furthermore, there is no connecting material or any communication between the co-accused and the informant to establish a conspiracy involving the applicant. The learned APP and the learned counsel assisting the learned APP submit that the applicant has multiple antecedents and is involved in several offences. However, in the present case, in the absence of any corroborating material linking the applicant to the crime, apart from the statement of the informant alleging that the assault took place at the applicant's

instance, the applicant's involvement cannot be presumed.

7. Considering the above aspects, the interim protection granted to the applicant by order dated 18/02/2025 is confirmed.

8. In view of the above, the application is allowed in the following terms: -

i] In the event the applicant is arrested in connection with FIR No.22/2025, dated 16/01/2025, registered at Kotwali Police Station, Parbhani, District Parbhani, for the offences punishable under sections 109(1), 118(2), 324(2), 49 of Bharatiya Nyaya Sanhita (Section 307, 326, 426, 34, 109 of IPC), he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

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.

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

10. 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.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.