

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

32 ANTICIPATORY BAIL APPLICATION NO.670 OF 2025

Rashid Azizbhai Fazlani

..Applicant

VERSUS

The State of Maharashtra And Another

..Respondents

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Shri. D. M. Shinde, Advocate for the Applicant

Shri. S. K. Shirse, APP for the Respondent / State.

Ms. Kavita S. Bhale, Advocate for the Informant

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CORAM : NEERAJ P. DHOTE, J.

Dated : SEPTEMBER 08, 2025

PER COURT :-

1. Heard the learned Advocate for the Applicant, the learned APP for the State and the learned Advocate for the Informant.

2. On 01.03.2025 the Informant lodged the Report with the Sindkhed Police Station, Dist. Nanded that on 26.02.2025 at 02:18 p.m. he received missed call from one unknown Mobile No.8390095850. The Informant called back on the said number. The Applicant received the Informant's call. The Applicant called the Informant at one Maa Complex at Sarkhani village. The Informant went there. The Applicant demanded Rs.15,000/- (Rs. Fifteen Thousand) from the Informant and threatened that, he will inform the Police to perform raid to stop the work of the Informant. The Applicant showed one video of *Matka* to the

Informant and threatened that, he will share the said video with the Police. Under the threat, the Informant parted Rs.10,000/- (Rs.Ten Thousand) with the Applicant. Thereafter, the Informant lodged the said Report and Crime bearing No.31/2025 came to be registered for the offence punishable under Sections 308 (2), 308 (3) and 351 (2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the 'BNS') against the Applicant.

3. According to the learned Advocate for the Applicant, the Applicant is the Reporter and Whistleblower. There is delay of three (3) days in lodging the said FIR by the Informant. The said Report was the counter blast to the Report lodged by the Applicant with the same Police Station against the Informant on 26.02.2025. The Informant used filthy words for the Applicant over the phone. The Applicant is issued certificates for his outstanding work as the Reporter. The Applicant had abided by the conditions imposed by this Court in the interim order. The Investigation can be completed without custody of the Applicant. He therefore prayed that, the interim order be confirmed.

4. It is submitted by the learned APP that *prima facie* case is made out against the Applicant from the FIR. There are criminal antecedents against the Applicant and therefore, the Application be rejected.

5. The Application is opposed by the learned Advocate for the Informant. She supports the contentions made by the learned APP. She submitted that, the Applicant is having criminal past and one offence of Attempt to Murder is registered against the Applicant. There is *prima facie* case against the Applicant and therefore, the Application be rejected.

6. Perused the papers on record. The case of the Prosecution is that, the Applicant extorted Rs.10,000/- (Rs. Ten Thousand) from the Informant by threatening him to inform the Police about the work of the Informant. Though the incident as mentioned in the FIR is dated 26.02.2025, the Report is lodged with the concerned Police Station on 01.03.2025 i.e. after a period of three (3) days. The papers show that on 26.02.2025 the cognizable Report was lodged by the Applicant with the same Police Station bearing No.48/2025 against the Informant for the offence punishable under Section 351 (4) and 3 (5) of the BNS. From this the possibility of false implication or after thought Report against the Applicant cannot be ruled out. The Chart made available by the learned Advocate for the Applicant shows that, in Crime No. 46/2002 the Applicant has been acquitted, in Crime No.29/2005 the Applicant has been convicted and released on Probation of Offenders Act, in FIR No.10/2003 no Charge-sheet was filed, in Crime No.16/2011 'C' summery was filed and two FIRs bearing Nos.265/2023 and 35 of

2025 are pending. Considering the nature of offence alleged against the Applicant and in view of the above observations, the criminal antecedent by itself cannot form the basis to reject the Application. The Applicant was protected by Interim Order dated 02.05.2025 on certain conditions. It is nobodies case that the Applicant had flouted any of the conditions. In this view of the matter, I am inclined to confirm the interim order. Hence the order.

O R D E R

- (i) The Interim order dated 02.05.2025 is confirmed.
- (ii) The Application stands disposed off.

(NEERAJ P. DHOTE, J.)

GGP