

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

953 ANTICIPATORY BAIL APPLICATION NO.756 OF 2025

Gultaj Khan Hanif Khan

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Shri. Kazi Rahil Riyazoddin, Advocate for Applicant

Shri. M. K. Goyanka, APP for the Respondent / State.

Shri. Shaikh Md. Aamir Abdul Qadir, Advocate for Assist to P.P.

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CORAM : NEERAJ P. DHOTE, J.

Dated : SEPTEMBER 10, 2025

PER COURT :-

1. Since the Applicant is apprehending arrest in Crime No.0516/2024 registered with Amalner Police Station, Dist. Jalgaon for the offence punishable under Sections 118 (1), 118 (2), 189 (2), 191 (2), 191 (3), 190, 115, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'), this Application for Anticipatory Bail is filed.

2. Heard the learned Advocate for the Applicant and the learned APP for the State and the learned Advocate for Assist to P.P. Perused the papers on record.

3. The above referred Crime is registered on the Report lodged by the Injured - Sarfaraz Khan Gulam Hussain that, in the morning of

26.10.2024 he was assaulted by the FIR named accused with deadly weapons. He suffered injuries in the assault and he was hospitalized. His Statement was recorded on 28.10.2024.

4. According to the learned Advocate for the Applicant, the Informant and others assaulted the Applicant's Son and the Applicant on 26.10.2024 and Crime was registered with the same Police Station on the very next day for the offences punishable under Sections 109, 189 (2), 191 (2), 191 (3), 190, 296, 115, 351 (2), 352 of the BNS. The Accused in that Crime were released on bail by the learned Additional Sessions Judge. No role of assault by deadly weapon is attributed to the present Applicant. The Applicant is acquitted in one of the previous Crime. The Applicant attended the Police Station as directed by this Court in the Interim Order. He prays that the Interim Protection be confirmed.

5. According to the learned APP and the learned Advocate for Assist to PP, one of the Sections under which the Crime is registered is for unlawful assembly and therefore, the Application may not be allowed. The Applicant is having criminal past and he has instigated the Co-accused to assault the Informant and the Witnesses. Considering the nature of offence and the Criminal past of the Applicant, the Application be rejected.

6. Admittedly, in the FIR, only role attributed to the Applicant is that he had beaten. The said allegation is vague. In the Supplementary Statement of the Informant, the role of the assault by hands and instigation is attributed to the Applicant. There is earlier incident of the same day which was reported by the Applicant's Son against the Witnesses in the present Crime i.e. opposite side. The Applicant is acquitted in one of the Crime. Considering the role attributed to the Applicant in the case in hand, in my considered view, the Interim Protection needs to be confirmed and hence the order.

ORDER

- (i) The Interim Protection dated 14.07.2025 is confirmed.
- (ii) The Application stands disposed off.

(NEERAJ P. DHOTE, J.)

GGP