



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

ANTICIPATORY BAIL APPLICATION NO. 778 OF 2025

MUMTAJ AJIJ SHAIKH

AND

TABBU SYED IMRAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Shri Mubashirul Abedin Quazi, Advocate for the Applicants.

Shri A.M. Phule, APP for the Respondents/State.

Shri Pawan Ippar, Advocate for Respondent No.2/ Informant.

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CORAM : ADVAIT M. SETHNA, J.

DATE : 08 August 2025

P. C. :-

1. Heard the learned Advocates for the parties.
2. The Application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as the Applicants apprehend arrest.
3. This matter was listed on earlier occasions and by orders dated 23 June 2025 and 03 July 2025, the Court has issued certain directions.
4. The proceedings relate to Crime No.0066/2025. FIR is dated 01.03.2025 at 01:32 hours by the Ramtirtha Police

Station, District Nanded. Occurrence of the offence is shown on 27.02.2025 between 14:15 to 19:00 hours. The offences alleged are under Sections 78, 75(1), 115(2), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. There are three accused persons named in the FIR out of which, accused Nos.2 and 3 i.e. mother of accused No.1 and sister of accused No.1, respectively, are the present Applicants before this Court.

5. With assistance of the learned Advocates for the parties, I have gone through the FIR and the record made available to the Court as well as the case diary/ investigation papers, which have been furnished by the learned APP.

6. At the very outset, the learned Advocate for the Applicants would point out that accused No.1 Arbaj has been enlarged on regular bail by this Court by order dated 30 July 2025 passed in Bail Application No.1207/2025. He would urge that as far as the accusations and allegations in the FIR are

concerned, there is nothing attributed to the present Applicants so as to constitute any of the alleged offence invoked in the FIR against these Applicants.

7. On perusal of the FIR, it appears that the learned Advocate for the Applicants is correct in submitting so. The allegations which would tantamount to offences including those of assault using casteist remark/ language and abusive words, which may attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are imputed against accused No.1 Arbaj. There is nothing specific in this regard against accused Nos.2 and 3 for attracting the provisions of the Atrocities Act. In such circumstances, there would be some substance as what the learned Advocate for the Applicants would submit, in light of which the provisions of Section 18 of the Atrocities Act would not be attracted qua the present Applicants.

8. There is no allegation in the FIR which would tantamount to an offence under Sections 8 and 12 of the POCSO Act at this stage of the proceedings. Accused No.1, against whom all the allegations appear to be there, has already been granted

regular bail as observed above.

9. The learned APP would object to any relief in this Application. According to him, custodial interrogation would be mandated in the given facts and circumstances.

10. However, considering the present factual complexion, it appears that the investigation has sufficiently progressed and the statements of witnesses have been recorded including the statement of the Informant/ victim under Section 183 of the BNSS.

11. The learned Advocate for the Applicants has also submitted the certificate from the Government Hospital at Nanded, which would indicate that accused No.2, mother of accused No.1, is suffering from heart ailment and is undergoing treatment. It is also pertinent to note that accused No.3, who happens to be sister of accused No.1, is married and is having her own family. The learned Advocate for the Applicants submits that accused No.3 lives at considerable distance from the house of accused No.1. Thus, he would submit that she was not even present on the spot of the alleged incident, which would also be the subject matter of ongoing investigation.

12. For all of the above reasons, I am of the view that the Applicants have satisfied the requirement of a *prima facie* case. Physical custody of these Applicants, who are *inter alia* ladies, would not be necessary in the given factual complexion. In view thereof, following order, in my view, would meet the ends of justice:-

ORDER

(i) In the event of arrest of the Applicants in connection with C.R. No. 0066/2025 registered with Ramtirtha Police Station, Dist. Nanded for the offences punishable under Sections 78, 75(1), 115(2), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Applicants are directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) each with one solvent surety in the like amount.

(ii) The Applicants shall attend the concerned Police Station as and when required by the Investigating Officer till the filing of the charge sheet. They are further directed to co-operate in the investigation.

(iii) The Applicants shall furnish details of residential address and other contact details such as

the mobile number etc. to the concerned Police Station. If there is any change in the contact details, the same shall be immediately informed to the concerned Police Station.

(iv) The Applicants shall not leave the jurisdiction of the Court without prior permission of the Court subject to further orders / until filing of the charge-sheet.

(v) The Applicants shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

13. **The Anticipatory Bail Application is allowed in the above terms.** However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this application.

14. The learned Advocate Shri Pawan Ippar, who was duly appointed to represent the Informant/ victim, has assisted the Court. His quantum of fees as applicable may be disbursed to him by the High Court Legal Services Sub- Committee, Bench at Aurangabad.