



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 ANTICIPATORY BAIL APPLICATION NO. 795 OF 2025

1. Shaikh Anwar s/o Shaikh Hussain
2. Amrin Shaikh Majed

VERSUS

The State Of Maharashtra And Another

Mr. R. P. Patwardhan, Advocate for the Applicants
Mr. R. S. Wani, APP for the Respondent/State

CORAM : ADVAIT M. SETHNA, J.
DATE : 19 JUNE 2025

P. C. :-

1. The Applicants have filed present Application for pre-arrest bail as they apprehend arrest. The Application relates to Crime No. 0217/2024. The FIR is lodged on 17 August 2024 by Harsul Police Station, Aurangabad under Sections 109(1), 115(2), 352, 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita (for short '**BNS**').

Case under FIR:-

2. The date of the alleged incident is reported as 17 August 2024 and the FIR is also lodged on the same date. On 16 August 2024 at about 08.00 p.m. the Informant's son, namely, Haris (age 8 years) and niece Taniya (age 11 years) were playing football on the front of her house. The said football had gone on Oota (platform) of the

accused Shaikh Anwar, who started abusing the said children. When the Informant tried to explain to the accused he abused her. At that time Mrs. Amrin Shaikh came there and gave kicks and blows to the Informant. The Informant when make a phone call to her husband Shaikh Noor and called him at the spot (her house). That time the co-accused Shaikh Majed had threatened the Informant by saying "call your husband, today I will finish them". After some time, at about 08.30 p.m. the informant's husband Shaikh Noor came there on the motorcycle that time Amrin Shaikh caught hold of the collar of Shaikh Noor and pulled him down. Her husband, co-accused Shaikh Majed stabbed Shaikh Noor on his stomach with his knife. Due to that her husband Shaikh Noor fell down. Accused Shaikh Anwar caught the shoulder of her husband and beat him. When the Informant and others others raised their objection the residence of locality, namely, Aakash Badode, Sultana Syed and Syed Wahed recused the Informant and her husband. While leaving the spot, co-accused Majed Shaikh has again threatened the Informant and her husband that if they come in their way, he will kill the entire family. In such circumstances, the Informant, namely, Shaikh Shabana Noor filed the report on the basis of which the said FIR was lodged.

Submissions:-

3. Learned Advocate for the Applicants would first state that

incident is dated 16 August 2024, whereas the FIR is lodged on 17 August 2024 at 21.07 hours. Thus, there is an inexplicable delay in lodging the said FIR. He would then submit that as far as original accused No.1 that Shaikh Majed Shaikh is concerned, he has been enlarged on bail by the Additional Sessions Judge, Chhatrapati Sambhaji Nagar, dated 16 December, 2024. According to him a bare perusal of FIR would reveal that there is no role attributed to these Applicants so as to even *prima facie* invoke the said provision as alleged in the FIR. According to him the FIR would reveal that the injury inflicted cannot be attributable to these Applicants as the major role in this regard was of accused No.1 who is enlarged on bail. Mr. Patwardhan would submit that custodial interrogation in such facts and circumstances is not warranted. He would accordingly pray that the Anticipatory Bail Application may be allowed.

4. On the other hand, Mr. Wani, learned APP would vehemently oppose the Anticipatory Bail Application. He would submit that the offences in the present case are of serious nature. From the case diary, he would point out that the injury certificate dated 13 September 2024 in the present case would reveal that the injuries are described as simple. It is not in dispute that such injuries were inflicted by original accused No.1 i.e. Shaikh Majed who is enlarged on bail. There are two eye

witnesses as far as the incident is concerned. Thus, custodial interrogation of the Applicant to assist the investigation, would be required. According to him this is not a case where the Applicants should be enlarged on anticipatory bail.

Findings:-

5. I have heard the learned Advocates for the Applicants and learned APP for the State. With their assistance, I have perused the record. On a perusal of the FIR, it is apparent that the quarrel took place on 16 August 2024 as noted because of a football landing into the house of Applicant No.1 while the children were playing football. This was a trigger which gave rise to a scuffle between the persons named in the FIR. During such scuffle, injuries were inflicted by the accused Shaikh Majed on the Informant. The FIR states that the sharp weapon i.e. knife has been used, however, such injury is attributable only to said accused and not to the Applicants in any manner whatsoever. It is unconverted position that the original accused No.1 i.e. Shaikh Majed has been enlarged on bail by an order of the Addl. Sessions Judge dated 16 December 2024. In my *prima facie* view, there is no specific role attributed to these Applicants before the Court today, so as to *prima facie* invoke the provisions as alleged in the FIR against the present Applicants, more particularly under Section 109(1) of the BNS.

As far as other provisions are concerned, offences thereunder are bailable and non cognizable. It is pointed out to the Court there are no criminal antecedents as far as the present Applicants are concerned.

6. Considering the nature of accusations, factual complexion and upon a holistic consideration of the given facts and circumstances, in my view no custodial interrogation of the Applicants is warranted. Thus, a *prima facie* case has been made out for grant of anticipatory bail. Accordingly following order would meet the ends of justice.

ORDER

- (i) In the event of arrest of the applicants in connection with C.R. No. 217/2024 registered with Harsul Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 109(1), 115(2), 352, 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) each with one solvent sureties in the like amount.
- (ii) The applicants shall cooperate with the investigation. They shall attend the concerned police station on every Monday at 11.30 am until further orders.
- (iii) The Applicants shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (iv) The Applicants shall not leave the jurisdiction of the Court without prior permission/order of the Court, until further

orders.

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

7. The Anticipatory Bail Application is allowed in above terms and disposed off accordingly.

(ADVAIT M. SETHNA, J.)

ssp