



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 871 OF 2025

Shaikh Nazir Shaikh Nawab,
Age : 28 Years, Occu. : Labourer,
R/o. Jaisingpura,
Tq. & Dist. Chhatrapati Sambhajinagar.

.... Applicant

VERSUS

1) The State of Maharashtra
Through Police Inspector Officer,
Begampura Police Station,
Tq. & Dist. Chhatrapati Sambhajinagar.

2) The Commissioner of Police,
Chhatrapati Sambhajinagar.

.... Respondents

....
Advocate for Applicant : Ms. Pradhnya Talekar h/f Talekar and
Associates

APP for Respondents-State : Ms. R.R. Tandale

....

CORAM : SANJAY A. DESHMUKH, J.
(VACATION COURT)

Dated : 03rd June 2025

ORDER [PER COURT] :-

1. This is an application for granting anticipatory bail under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in
crime bearing No.0066 of 2025, registered with Begampura Police
Station, Dist. Chhatrapati Sambhajinagar, for the offences punishable

under Sections 109, 115(2), 189(2), 190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanshita, 2023.

2. Learned Advocate for the applicant pointed out the report in which it is averred by the informant that co-accused were called for the compromise. However, compromise could not proceed and quarrel started. Some persons were trying to resolve that quarrel. However, total eleven accused assaulted the informant and others by the stick/wooden log and knife, etc.

3. Learned Advocate for the applicant further pointed out that though the name of this applicant is mentioned in the report, in the last paragraph of the report, it is stated that Shaikh Salim, Shaikh Arbaz, Shaikh Adil and Shaikh Nazir i.e. present applicant assaulted one Shaikh Amer Shaikh Jameer. Except that, no any role is attributed to the applicant. If the applicant is arrested, he will suffer. He is falsely implicated in the crime. He has roots in the society. He will not flee away from the trial. It is, therefore, prayed to grant the facility of pre-arrest bail.

4. Learned APP strongly opposed the application and argued that the name of the applicant is mentioned in the report. In

the last paragraph of the report, it is stated that the applicant along with other three accused assaulted one Shaikh Amer Shaikh Jameer by wooden log on his right hand and other parts of the body. It is also submitted that CCTV footage is also seized by the Investigating Officer. Learned APP pointed out the injury certificates showing three persons suffered the injuries in that incident. It is lastly prayed to reject the application.

5. On perusal of the report and the papers of investigation, it reveals that the name of the applicant is mentioned in the report. However, there are general allegations in the report and statements of the witnesses that the applicant along with other accused assaulted Shaikh Amer Shaikh Jameer by the wooden log. No any witnesses has stated as to what way the applicant assaulted the informant and others and they sustained injuries to prove his overt act. If this important aspect is considered along with all the documentary evidence, particularly the injury certificate which shows simple injuries are sustained to the informant and injured, the applicant is certainly entitled for the facility of pre-arrest bail. The application, therefore, deserves to be allowed. Hence, the following order.

ORDER

- I) The application is allowed.
- II) In the event of arrest of the applicant in connection with F.I.R. being Crime No.0066 of 2025, registered with Begampura Police Station, Dist. Chhatrapati Sambhajinagar, for the offences punishable under Sections 109, 115(2), 189(2), 190, 191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanshita, 2023, he be released on bail on executing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount.
- III) The applicant shall attend the concerned police station as and when called upon by the investigating agency.
- IV) The applicant shall not tamper with the prosecution witnesses and shall co-operate with the investigating agency.
- V) Bail before the trial court.

[SANJAY A. DESHMUKH]
JUDGE