



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 894 OF 2025

Saleh Abdul Samad Bawazir
Versus
The State of Maharashtra & Anr.

WITH
CRIMINAL APPLICATION NO. 2391 OF 2025
IN ABA/894/2025

Rafik Majid Shaikh
Versus
The State of Maharashtra & Anr.

Mr. Sohail Subhedar h/f Mr. N. S. Ghanekar for the Applicant in
ABA/894/2025.

Mr. Swapnil Telang h/f Mr. S. S. Jadhav for the Applicant in
APPLN/2391/2025.

Mr. M. K. Goyanka, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 4 AUGUST 2025

P. C.:

1. Heard learned counsel for the parties.
2. At the very outset, attention of the Court was drawn to an order dated 30 May 2025. It appears that the Court has in detail considered the *prima facie* case before it. After recording the contents of the FIR in paragraph 4 and and the submissions of the counsel in paragraph 5 of the said order, the Court has *prima facie* observed in paragraph 6 that there is a civil dispute between the parties which is given a criminal color. On such

ground, the Applicant was given interim protection by passing the said order dated 30 May 2025.

3. Today, Mr. Goyanka, learned APP would state that the Applicant has co-operated with the investigation. There is no breach of the said order by the Applicant. Thus, it is clear that the Applicant has joined the investigation. The learned APP has attempted to submit that there are some further nuances to the case, however, they too appear to be civil in nature, for which there are separate and distinct legal remedies. Thus, for the reasons noted above, there is no adverse material on the touchstone of the *prima facie* case against the Applicant putforth by the prosecution nor there is any justification for the further physical custody of the Applicant.

4. In this context, pertinent it is to note that the charge-sheet has already been filed, which would entail culmination of the pending investigation. In such view of the matter, and for the reasons noted above, the order dated 30 May 2025 is confirmed by passing the following order:-

ORDER

- (i) In the event of arrest of the Applicant in connection with CR No.64 of 2025 registered with Ajintha Police Station, Chhatrapati Sambhajnagar for the offences punishable under Sections 318(4), 61 read with 3(5) of the BNS, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.50,000 (Rupees Fifty Thousand Only) with one

or more sureties in the like amount.

- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station as and when called by the Investigating Officer, until filing of the charge-sheet.
- (iii) The Applicant 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 Applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court, until filing of the charge-sheet.
- (v) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

5. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

6. The Anticipatory Bail Application is allowed in the above terms.

7. In view of disposal of the Anticipatory Bail Application, the captioned Criminal Application does not survive and is accordingly disposed of.

[ADVAIT M. SETHNA, J.]