



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

ANTICIPATORY BAIL APPLICATION NO. 911 OF 2025

1. Chand s/o Ismail Pathan,
Age 25 yrs., Occ. Agri.
2. Ismail s/o Mohammadkhan Pathan,
Age 67 yrs., Occ. Agri.
3. Moosa Khan s/o Mohammadkhan Pathan,
Age 71 yrs. Occ. Agri.
4. Siddik s/o Moosa Pathan,
Age 38 yrs. Occ. Agri.
5. Farooq s/o Moosa Pathan,
Age 32 yrs. Occ. Agri.
All r/o Aherwahegaon,
Tq. Georai, Dist. Beed.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

.....
Mr. Rajendra G. Hange and Mr. H. R. Hange – Advocate for the
Applicants
Mr. C. V. Bhadane – APP for the State
.....

WITH
CRIMINAL APPLICATION NO. 2489 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 911 OF 2025

AND
ANTICIPATORY BAIL APPLICATION NO. 1105 OF 2025

Shaikh Abu Taleb S/o Babu,
Age 22 yrs, Occu. Edu.,
R/o At post Aherwahegaon,
Tal. Georai, District Beed.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. Joslyn A. Menezes – Advocate for the Applicants
Mr. N. D. Batule – APP for the State
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WITH
CRIMINAL APPLICATION NO. 2920 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 1105 OF 2025
.....

CORAM : NEERAJ P DHOTE, J.

DATED : 22ND SEPTEMBER, 2025**PER COURT : -**

1. Since both these Anticipatory Bail Applications arise out of one and the same incident, they are heard together.

2. Anticipatory Bail Application No. 911 of 2025 arises out of Crime No. 0249 of 2025 registered with Georai Police Station, District Beed, for offences punishable under Sections 352, 351(3), 351(2), 190, 191(3), 191(2), 189(2), 333, 118(2) and subsequently added Section 109 of the Bharatiya Nyaya Sanhita, 2023.

3. Anticipatory Bail Application No. 1105 of 2025 arises out of Crime No. 0258 of 2025 registered with Georai Police Station, District Beed, for offences punishable under Sections 3(5), 296, 191(3), 191(2), 190, 189(2) and 109(1) of the Bharatiya Nyaya Sanhita, 2023.

4. Since the Applicants in both the Applications are apprehending arrest in the aforesaid Crimes, they have filed these Applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of Anticipatory Bail.

5. Perused the papers made available by the learned APP in both the cases. The incident took place on 16.04.2025, in between 10:00 p.m. to 10:30 p.m. Applicants in both the Applications are residing opposite each other. Crime No. 0249 of 2025 came to be registered on 18.04.2025, and Crime No. 0258 of 2025 came to be registered on 22.04.2025. Accused in both the Crimes assaulted each other. Both the sides used iron pipes/rods in the assault. The accused in both the Crimes suffered injuries, some simple and one grievous. The Applicants No. 2 to 5 [Accused Nos. 2 to 5 in Crime No. 0249 of 2025] in Anticipatory Bail Application No. 911 of 2025 are protected by interim order. Similarly, the Applicant in Anticipatory Bail Application No. 1105 of 2025 [i.e. Accused No. 1 in Crime No. 0258 of 2025] is protected by interim order.

6. The Applicant No. 1 in Anticipatory Bail Application No. 911 of 2025, has been attributed the role of assault by an iron weapon on the ear of Informant, Shaikh Babu. As per the Medico Legal

Certificate dated 16.04.2025, the injury suffered by Shaikh Babu on the right ear (pinna), is shown to be grievous. The papers made available by the learned Advocate for the Applicants in Anticipatory Bail Application No. 911 of 2025 show that, the Applicant No. 1 – Chand Ismail Pathan also suffered grievous injury in the nature of a bilateral bone fracture, and the Co-accused also suffered injuries. The injuries in Medico Legal Certificate in Crime No. 0249 of 2025, however, shows simple injuries on the injured witness, Chand Pathan. The role attributed to the Applicant - Shaikh Abu Taleb Babu [Accused No. 1] in Anticipatory Bail Application No. 1105 of 2025 arising out of Crime No. 0258 of 2025, is that of assault by an iron angle.

7. The Applicant Nos. 2 to 5 in Anticipatory Bail Application No. 911 of 2025 have been protected by an interim order dated 24th June, 2025, by considering the role attributed to them as assault by stick. The Applicant in Anticipatory Bail Application No. 1105 of 2025 was protected by this Court by order dated 10th July, 2025 by considering the rivalry between the two families. The above observations, which are born out from the papers made available by both sides, show that undisputedly the incident had taken place in which both the sides assaulted each other. Who was an aggressor is an aspect to be decided at the time of trial. Considering the roles attributed to the Applicant No.1 - Chand Ismail Pathan, in Anticipatory Bail

Application No. 911 of 2025, and the Applicant - Shaikh Abu Taleb Babu in Anticipatory Bail Application No. 1105 of 2025, in my considered view, they do not deserve protection in the nature of anticipatory bail.

Hence, the following order:

ORDER

- [i] Interim protection granted to the Applicants No. 2 to 5 in Anticipatory Bail Application No. 911 of 2025 *vide* order dated 24th June, 2025, is hereby confirmed.
- [ii] Anticipatory Bail Application No. 911 of 2025 to the extent of Applicant No. 1 – Chand s/o Ismail Pathan, is dismissed.
- [iii] Anticipatory Bail Application No. 911 of 2025 is accordingly disposed off.
- [iv] Anticipatory Bail Application No. 1105 of 2025 stands dismissed.
- [v] Pending Criminal Application/s, if any, stand/s disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde