



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1121 OF 2025
WITH
CRIMINAL APPLICATION NO. 2715 OF 2025

1. Wajid Anwar Md. Abdul Rashid
2. Naveed Anwar Md. Abdul Rashid
3. Tausif Anwar Khurshid Anwar ... Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police, Nanded ... Respondents

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Mr. Sudarshan J. Salunke, Advocate for Applicants in ABA/1121/2025

Mr. M. K. Goyanka, APP for Respondents - State.

Mr. Amit A.Yadkikar, Advocate for Applicant - complainant (Assist to APP) in APPLN/2715/2025

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 AUGUST 2025

PRONOUNCED ON : 20 AUGUST 2025

ORDER :

1. Apprehending arrest in Crime No.85 of 2025 registered with Itwara Police Station, Dist. Nanded for the offences punishable under sections 109, 118(2), 115(2), 189(2), 191(2), 191(3), 190, 324(4), 352, 351(2) of the Bharatiya Nyaya Sanhita, present application for pre-arrest bail is pressed into service.

2. Criminal Application No.2715 of 2025 is allowed. The original complainant is permitted to assist the learned A.P.P.

3. Learned counsel for applicants would submit that, in all five persons are impleaded. That, two are already arrested and remaining three have applied for anticipatory bail. Learned counsel submitted that, there are allegations of assaulting by means of wooden plank. That, incident has taken place all of a sudden on account of dispute over measurement of plot. That, there was no plan or premeditation. Learned counsel pointed out that, there are cross complaints. That, even civil suit is pending and therefore according to him, there is blend of civil dispute. That, exaggerated report is lodged with ulterior motive. Learned counsel submitted that, there is no need for custodial interrogation as nothing to be recovered, moreover, when there are allegations facilitation to the main accused. For all above reasons, relief is urged for.

4. Learned APP as well as learned counsel for original complainant, have both strongly opposed on the ground that, occurrence is planned. That, grievous injuries are suffered by the victim. That, injury certificate is placed on record. Learned counsel for complainant even invited attention of this court to the photographs of injured as well as discharge summary and would

strongly oppose for grant of relief pointing out that present applicants had absconded and proceedings under section 299 of Cr.P.C. initiated against them.

5. Heard. Perused the FIR dated 28.02.2025 at the instance of one Siddiqui Sayam Sabil. He reported that, on 27.02.2025, on account of dispute over purchase of plot located at Survey no. 14674 while measurement was got done through Engineer, Tohid Jahagirdar, Wajid Jahagirdar, Tausif Jahagirdar and Gafar Khan objected for the measurement. It is reported that while understanding was given, Wajid incapacitated Mustaba and Tohid also picked up wooden plank and hit it in the head of Mustaba causing him grievous injury. It is further alleged that, when informant went to rescue, Naveed made informant fall down and thereafter Tausif assaulted by means of wooden log. Assault was also made on Engineer for measurement.

6. Perused the discharge summary issued by Yashosai Critical Care Hospital on examination of Mohd. Mustaba. Hospital papers contained critical status and high risk consent. Injury suffered is on his head. Photographs placed on record also demonstrate nature and site of injury of the injured. Two are already said to be arrested and present applicants are declared absconding

under section 299 of Cr.P.C. Occurrence is of 27.02.2025. Resultantly, in the light of gravity of offence, nature of allegations and for want of effective investigation, this court is not inclined to grant relief.

7. The application stands rejected.

(ABHAY S. WAGHWASE, J.)