

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

935 ANTICIPATORY BAIL APPLICATION NO. 1431 OF 2025

Altmash Anwar Sayyed And Another

VERSUS

The State Of Maharashtra And Another

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Mr. Sudarshan J. Salunke - Advocate for Applicant

Mr. N. D. Batule - APP for State

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CORAM : NEERAJ P DHOTE, J.

DATED : 16TH OCTOBER, 2025

PER COURT : -

1. Heard the learned Advocate for the Applicants and the learned APP for the State. Perused the papers made available.

2. Crime bearing No. 0096 of 2025 is registered with Peth Beed Police Station, District Beed, for the offences punishable under Sections 109, 118(2), 118(1), 115(2), 189(2), 189(4), 190, 191(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, and under Sections 4 and 25 of the Arms Act, 1959.

3. It is the case of the Prosecution that, the incident took place on 26.03.2025. The relevant paragraph no. 2 from the order passed by the learned Additional Sessions Judge in Criminal Bail Appln. No. 617 of 2025, dated 01.07.2025, is reproduced below, to show the case of the Prosecution.

“Informant Ansar Abdul Sattar Momin lodged FIR on 29.03.2025 alleging that on 26.03.2025 at about 02:30 pm, he had been to Hamad mosque for prayer. While he was coming out of mosque, co-accused Aftab Anward Syed was helping his son to wear footwear near the gate, the informant told him to take his son aside and then put footwear on. At that time, accused Aftab looked at him angrily. When the informant asked him about it, he abused and assaulted him with fist blows and slaps. The people intervened and rescued the informant. On 27.03.2025, at about 02.30 pm, while the informant was returning home, co-accused Juned Anwar Sayed called him on his cell number and his uncle Bablu Syed i.e. present applicant also called him on his cell number and both of them asked the informant to come to their house for settling the quarrel, which had occurred on previous day. Then the informant and his brothers Momin Mujahid and nephew Shabhaj Momin went to the house of Juned Anwar Syed. At about 03:30 pm, when they reached in front of the house, present applicant and co-accused and three unknown persons were present there. The informant inquired with Sayed Aftab why he was angry with informant on previous day. Then all the above persons abused and assaulted the informant, his brother and nephew with sword and iron rods. Applicant/accused took bite of the Informant’s ear and others assaulted the informant as per specific role mentioned in the FIR.”

4. According to the learned Advocate for the Applicants, the injuries in the Medical Certificate do not correspond to the version of the first Informant. There are FIR and cross-FIR, out of the same incident. There is over implication of the Applicants in the said Crime. They are ready to abide by the conditions and hence, the Application be allowed.

5. The Application is opposed by the learned APP. He submits

that the Applicants are named in the FIR and there is a Medical Certificate to corroborate their version. The Medical Certificate shows that there are grievous injuries and the injured was discharged after a period of five (5) days. There is a statement of the witness corroborating the testimony of the Informant. The mobile phone in which the incident is recorded, is seized. The Application be rejected.

6. The papers show that there are cross FIRs in respect of the same incident. The Applicants are named in the FIR. Applicant No. 2 has sustained fracture to one of his fingers of his hand. The role of assault by Kukri is attributed to Applicant No. 1, and role of assault by using stone is attributed to Applicant No. 2. The Medical Certificate of the Injured in the case in hand show simple and grievous injuries. Considering the nature of offence, this is not a fit case to exercise discretion under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and, hence I pass the following order:-

ORDER

[i] The Application is rejected.

[NEERAJ P. DHOTE]
JUDGE