



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

926 ANTICIPATORY BAIL APPLICATION NO. 1491 OF 2025

**MOHAMAD SHAKIL MOHAMAD GAUSODDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1206 OF 2025**

**MOMIN KALIMODDIN ALIAS BABAR GAUSODDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

Mr. V. T. Patil, Advocate for Applicants
Mr. P. D. Patil, APP for the Respondent/State

**CORAM : MEHROZ K. PATHAN, J
DATE : 04.12.2025**

P. C. :-

1. The applicant- Mohamad Shakil Mohamad Gausoddin Shaikh in ABA No. 1491/2025 and applicant- Momin Kalimoddin Alias Babar Gausoddin Shaikh in ABA No. 1206/2025 have approached this court seeking anticipatory bail in crime no. 109, 118-2, 118-1, 352, 351-2, 189-2, 189-4, 191-1, 191-2, 191-3, 190 of the Bharatiya Nyaya Sanhita and under section 4/25 of the Arms Act registered at Vazirabad police station.

2. It is the case of the prosecution that the complainant Wasimkhan along with his cousin brother, namely, Adil and Parvej was at visited Bharat Medical Waghi road.

3. It is submitted by the learned Counsel for the Applicants Mr. Patil that there is a counter FIR being FIR No. 81/2025 registered for the same incident by complainant Md. Salim, wherein the present complainant Wasimkhan is accused No.1 along with eight other accused. The applicant was running a medical shop along with his brother Babar and complainant along with his two cousin brothers had approached the medical shop. The FIR itself indicates that the complainant, Wasimkhan, initiated the scuffle by throwing a glass from the medical store; consequently, the applicant sustained grievous injuries caused by a sharp object and was required to undergo surgery for stab wounds to the stomach and abdomen in the said incident. As the entire family members of the accused applicant-Shakil was attending him due to the grievous injury sustained by the applicant in abdomen, the family members of the applicant could not register the FIR immediately, however, taking advantage of the said fact, the other party has registered the present FIR i.e. 80/25, wherein the applicant is shown as to be

accused.

4. In so far as the applicant – Babar is concerned, it is submission of the learned counsel for the applicant Mr. Patil that against the Babar there is general allegation that he along with Salim had injured the complainant Wasim and his cousin brother Pervej by means of an iron rod whereas the other grievous injury is attributed to one accused Adil who was already arrested. Perusal of the FIR itself would show that the complainant himself has created a ruckus over the medical store where the applicant Babar was doing his regular business and complainant has thrown the glass of the medical store on ground leading to the scuffle in which both parties sustained serious injury. The learned counsel Mr. Patil, therefore, submits that the applicants have made out a case for grant of anticipatory bail looking to the nature of allegations against applicant Babar.

5. As against this, learned APP vehemently opposed the present applications on the ground that there are grievous injuries sustained by the complainant Wasimkhan, his cousin brother Md. Adil and Parvej who had being assaulted by all the accused persons

including the present two applicants Shakil and Babar. There are specific allegations in the first information report and that the counter FIR filed by the complainant Md. Salim is later in point of time being FIR No. 81/2025. The allegations in the first information report, therefore, attribute specific roles to both the applicants Babar and Salim. As such this is not a case for exercising discretion to grant anticipatory bail, as there is every likelihood that, the applicants if released on bail, may again commit similar offences, particularly in view of previous disputes going between the family members of the complainant and family members of the applicants.

6. I have perused the investigation papers made available by the learned APP. The perusal of the case papers show that the applicant Shakil was seriously injured in the incident with having sustained abdomen injury with a sharp object and was required to undergo operation for kidney. The relevant treatment papers are issued by Yashoda hospital and New Life Multispeciality, Diagnostics and Physiotherapy along with the photographs of the applicant Shakil is annexed along with the present application. Be that as it may, the spot of the incident happens to be a medical store running by the applicants Shakil and Babar and as such it could be

gathered that the complainant Wasimkhan had himself approached the spot and initiated the quarrel with the applicant Shakil and Babar. The perusal of the FIR shows that the applicant has thrown huge glass in the medical store, in heat of anger due to the verbal altercation between Babar and the complainant Wasimkhan. The further documents show that Md. Adil the main accused who has used a dangerous weapon axe has already been arrested and the other co-accused i.e. Alimoddin, Nijamoddin, Ajimoddin, Sanni @ Md. Samioddin and Rafiuddin are already released on anticipatory bail by this Court vide order dated 11/09/2025 in ABA No. 583/2025 and 584/2025.

7. So far as the allegations against the Babar is concerned, the same are in general in nature of using an iron rod to hit all the three members of the complainant family. The corresponding injury does not show that the complainant Wasimkhan has received the injury by means of any sharp object which is allegedly used by applicant Shakil as per the allegations in the FIR. The apprehensions of the learned APP therefore can be taken care of by imposing stringent conditions upon the applicants. Hence, following order:

ORDER

(i) in the event of arrest of the applicant – Mohamad Shakil Mohamad Gausoddin Shaikh in ABA No. 1491/2025 and applicant- Momin Kalimoddin Alias Babar Gausoddin Shaikh in ABA No. 1206/2025, they be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties in the like amount each, in connection with Crime No.0080/2025 registered with Vazirabad Police Station, District Nanded, for the offences punishable under Sections 109, 118-2, 118-1, 352, 351-2, 189-2, 189-4, 191-1, 191-2, 191-3, 190 of the Bharatiya Nyaya Sanhita and under Section 4/25 of the Arms Act on the following conditions:

(a) The Applicants are directed to attend the concerned police station and report to the Investigating Officer in a week on every Tuesday, Wednesday and Thursday till filing of the charge-sheet and co-operate with the Investigating Officer.

(b) The Applicants shall not tamper with the evidence and shall appear before the Investigating Officer as and when required, apart from the days already mentioned above.

(c) The applicants shall not enter the jurisdiction of village Vazirabad, Nanded, till the framing of the charge except for attendance as per clause (a).

8. Applications stand disposed of accordingly.

(MEHROZ K. PATHAN, J)

ssp