



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

ANTICIPATORY BAIL APPLICATION NO. 1513 OF 2025

1. IDRIS KHAN ETBAR KHAN PATHAN
2. ARBAZ KHAN TASHRIF KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Nilesh Bhosle h/f
Mr. Bachate Pralhad D.

APP for Respondents/State : Mr. R.K. Ingole

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CORAM : MEHROZ K. PATHAN, J.

DATE : 9th DECEMBER 2025

PER COURT :

1. Heard the learned Counsel for the Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.80/2025 registered with Parola Police Station, District Jalgaon for the offences punishable under Sections 109, 189, 190, 191, 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that the informant Akil Ahamad Sheikh Safadar is a resident of village Undirkheda, Taluka Parola. He lodged complaint with Parola Police Station on the allegations that on 11.04.2025 around 8.30 a.m. he was talking with

his worker as the plaster work of wall of his house was going on. There was a Babhul tree near wall. He was intending to cut the branches of Babhul tree. At that time, co-accused Tasharif Khan Etbar Khan Pathan came there and he asked the informant not to cut Babhul tree and threatened the informant. At that time, applicant / accused No.1 Idris Khan came there and threatened to cause injury to the informant. Thereafter, applicant/accused No.3 Firoz Khan Etbar Khan Pathan came and assaulted the informant with slap. He also caught the neck of the informant. The co-accused Firoz Khan Etbar Khan Pathan assaulted the informant's son Shaikh Adil with iron rod due to which Sheikh Adil became unconscious. Thereafter, applicant/accused No.2 Arkhan Pathan caught hold of the informant and co-accused Asif Khan beat him by fists blows. The informant therefore lodged complaint with Parola Police Station with such allegations aforesaid crime came to be registered against the applicants/accused. Apprehending the arrest, the applicants/ accused filed the present application for anticipatory bail.

4. The learned Counsel for the Applicants submits that the Applicants Idris Khan and Arbaz Khan cannot be said to have intention to cause injury either to the complainant or to his son. It is further submitted that the injuries sustained by the complainant and his son are attributable to another accused Feroz, who has already been arrested and released on regular bail, and from whom the weapon has been recovered. The learned Counsel also submits that

Applicant No.1/Idris, himself sustained injuries in the incident, while Applicant No.2/Arbaz, is a student pursuing his education at Kisan Arts, Commerce and Science College, Parola. The Applicants are deliberately implicated in the crime, as the complainant intends to create a criminal record against all members of the accused's family.

. It is further submitted by the learned Counsel for the Applicants that there is a counter FIR bearing FIR No. 82/2025 that is lodged by Mohsin Khan one of the accused in the present crime. The same would show that there are serious allegations against both the complainant and the accused parties of assaulting each other. The learned Counsel therefore submits that looking to the limited role as narrated in the FIR itself, the Applicants can be protected as they are not having any criminal antecedents and they are ready to abide by any conditions that may be imposed by this Court.

5. As against this, the learned APP vehemently opposes the present application on the ground that the injured Aadil has sustained grievous injuries on the occipital region, and the Applicants are reported to have played an important role in assaulting the complainant and his son. Both the Applicants are attributed the role of catching hold of the complainant and his son while Feroz was assaulting the son of complainant i.e. Aadil by means of iron rod. It is therefore submitted that looking to the nature of the allegations, the Applicants may not be released on anticipatory bail as there is every likelihood that the Applicants may again indulge into the cognizable offences as the Applicants and complainant party are neighbours.

6. I have gone through the investigation papers made available by the learned APP. A perusal of the said papers would show that the statements are recorded by the Investigating Officer, however, the role attributed to the Applicants is only that of catching hold and slapping on the face, and nothing beyond that. The injury certificate collected by the prosecution issued by Om Hospital, Dhule shows that the complainant's son, Aadil, sustained injuries on vital parts, namely, a CLW on the occipital region and a CLW over the upper lip. Both the injuries can be attributed to the assault made by accused Feroz by iron rod. The other co-accused, namely, Tashrif, Feroz, Mohsin and Aasif are already arrested by the police and released on bail. The custodial interrogation of the Applicants, therefore may not be necessary as they are not alleged to have used any weapon that may be required to be recovered. The apprehension of the learned APP that the Applicants may indulge into identical offences and create disturbance to the law and order, can be taken care of by imposing stringent conditions upon the Applicants. Thus, I am inclined to grant anticipatory bail to both the Applicants. Hence the following order :

ORDER

(i) In the event of arrest of the applicants - Idris Khan Etbar Khan Pathan and Arbaz Khan Tashrif Khan Pathan, in connection with Crime No.80/2025, registered with Parola Police Station, District Jalgaon for the offences punishable under Sections 109, 189, 190, 191, 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, 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, on the following conditions :

(a) The Applicants shall attend the concerned police station on Monday and Tuesday of every week between 11:00 am. to 01:00 pm., till the filing of the charge-sheet.

(b) The Applicants shall not enter the village Undirkheda till filing of the charge-sheet.

(c) The Applicants shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicants shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE