

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1578 OF 2025

Shaikh Adil Akil Ahemad And Others

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

Advocate for Applicant : Mr. Wagh Jitendra M
APP for Respondents: Mr. A.S. Shinde,

CORAM : MEHROZ K. PATHAN, J.
DATE : 18th NOVEMBER, 2025.

P.C. :-

The applicants have approached this court, seeking grant of anticipatory bail in Crime No. 82 of 2025 registered with Parola Police Station, Dist, Jalgaon, for the offence punishable under Sections 189-2, 191-2, 191-3, 190, 115-2, 118-1, 118-2, 351-2 of the Bhartiya Nyaya Sanhita.

2] At the outset, learned counsel for the applicants seeks leave to withdraw the application of the applicant No.1, as this court was not inclined to grant anticipatory bail to him. Permission granted. Application is disposed of as withdrawn so far as applicant NO.1 is concerned.

3] The prosecution case is that, the informant Mohsin Kha Yunus Kha Pathan is a resident of Undirkheda, Taluka Parola. He lodged a complaint with Parola Police Station on the allegations that on 11.04.2025 around 8.30 a.m. all the accused gathered near their house as the plaster work of the wall of the house of the accused was going on. They were discussing about cutting of a Babhul tree situated near their house. The informant asked them not to cut the said tree. The

applicants/accused then got angry. They abused the informant. The applicant Adil Ahmed Shaikh assaulted the witness Arbaz with a wooden log and inflicted injury on his head. When Arbaz's father Tashrarif Pathan went to rescue him, applicants/accused Shaikh Mubarak Raju alias Akil Ahamad assaulted the said Tasharif Pathan with wooden log. When the informant and witnesses Idris Kha Pathan and Akil Ahmed Shaikh Safadar, Fattu Sheikh Safar and Maheboob Shaikh Jamil assaulted informant with iron rod, due to which the informant fell unconscious. So, on the basis of such complaint, the aforesaid crime came to be registered against the applicants/accused.

4] The learned counsel for the applicant submits that the assailants also include one of the complainant, as there is already an FIR filed against the complainant Party bearing FIR No. 80 of 2025 , wherein, complainant Akil has specifically narrated the role attributed to Mohsin. It is submitted that the other two accused having been released on bail, the applicants may also be granted anticipatory bail as the allegations are afterthought and there is hardly any evidence to substantiate the allegations.

5] As against this, the learned APP vehemently opposes the application on the ground that there is a counter FIR. However, both the FIRs refer to the same incident dated 4.2.2025. There are grievous injuries sustained not only by the complainant but also one of the witnesses Arbaj. As such, looking to the serious nature of allegations against the present applicants about having used dangerous weapon to voluntarily cause grievous hurt to the complainant and other witnesses, the bail may not be granted to the applicants.

6] I have gone through the FIR and the investigation papers given by the I.O. The injury certificates of Mohsin and Arbaz are also on

record. The injured witness Arbaz has sustained serious injury on the occipital area of frontal bone is also shown to have sustained fracture. Said injury was inflicted by applicant No.1 Shaikh Adil Akil Ahmed. However, so far as the role of present applicant No.2 Akil Ahmed Shaikh Safadar and applicant No.3 Shaikh Samir Shaikh Jamil is concerned, the injury certificate of Mohsin shows that grievous injury is caused upon his person. However, looking to the fact that the applicants are of young age and ready to abide by the conditions that may be imposed by this Court, I am inclined to grant anticipatory bail to the applicant Nos. 2 and 3. Hence, the following order :-

O R D E R

[I] In the event of arrest of the applicants, in connection with Crime No. 82 of 2025 registered with Parola Police Station, Dist, Jalgaon, for the offence punishable under Sections 189-2, 191-2, 191-3, 190, 115-2, 118-1, 118-2, 351-2 of the Bhartiya Nyaya Sanhita, the applicant No.2 Akil Ahmed Shaikh Safadar and applicant No.3 Shaikh Samir Shaikh Jamil, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount.

[I] The applicant Nos. 2 and 3 shall not enter the jurisdiction of the concerned police station, except for attending the police Station on Monday and Thursday of each week till framing of charge.

[ii] They shall attend the concerned Police Station as directed and shall cooperate with the investigation.

[iii] The applicants shall not tamper with the prosecution evidence.

[iv] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-