



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1644 OF 2025

Shakil Khan Guljar Khan

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Ms. Ansari Asfia Nuzhat
APP for Respondents: Mr. K.N. Lokhande.

CORAM : MEHROZ K. PATHAN, J.

DATE : 9th December, 2025.

P.C. :-

The applicant has approached this court, seeking grant of anticipatory bail in Crime No. 0059 of 2020 registered with Raver Police Station, Dist. Jalgaon, for the offences under Sections 307, 302, 436, 143, 147, 148, 149, 452, 427 of IPC and under Section 37-1, 37-3 and 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act.

2. It is the submission of Ms. Ansari, the learned counsel for the applicant submits that the charge sheet filed in the aforesaid crime shows accused Shaikh Shakil Shaikh Guljar to be absconding, whereas, the name of present applicant is Shakil Khan Guljar Khan. It is submitted that the applicant is unnecessarily being harassed time and again only because of the similarity in the name of the absconding accused i.e. Shaikh Shakil Shaikh Guljar and the applicant has no connection whatsoever in the said crime which is registered against so many other accused persons for rioting and unlawful assembly and committing

serious offences. She further submits that all the documents pertaining to the identity of the applicant would show that the applicant is Shakil Khan Guljar Khan. The statements of eye witnesses Bhagwat Marathe, Raju Chaudhari, Mohan Patil, Shaikh Shoeb Shaikh Shakil, Shaikh Javed Shaikh Shakil and Sunil Mahajan refers to the said Shaikh Shakil Shaikh Guljar and not the applicant – Shakil Khan Guljar Khan. Therefore the applicant may be released on anticipatory bail.

3. As against this, learned APP Mr. Lokhande, submits that the applicant is specifically named by two of the witnesses, Bhagwat Marathe and Raju Chaudhari to have played an important role in committing rioting in the city thereby disturbing peace and communal harmony in the city. Though the applicant is having documents to show that he is not Shaikh Shakil Shaikh Guljar, however, the prosecution witnesses have specifically named Shaikh Shakil Shaikh Guljar to be one of the co-conspirators who have actually committed overt acts at the time of commission of offence. He, therefore, submits that the applicant is absconding from the date of commission of offence and hence, there is every likelihood that he may flee away from justice and may again commit overt acts which may disturb the peace and communal harmony, if he is released on bail and may not be available for trial.

4. Having gone through the charge sheet filed by the prosecution in the aforesaid crime and taking into consideration the mistaken identity claim of the present applicant, the I.O. was directed to remain present to inform about the status of the investigation carried out so far and clarify the identity of the present applicant. It is informed by the I.O. that there was no Test Identification Parade carried out of those witnesses who have disclosed the name of the applicant as one of the participants in the riot.

5. Perusal of the documents annexed to the application would show that the applicant Shakil Khan Guljar Khan is having a gas connection issued by the Domestic Gas Agency which shows his name as Shakil Khan Guljar Khan. Further, the document obtained by the prosecution also shows that the Election Commission of India has issued identity card to the applicant in the name of Shakil Khan Guljar Khan. The Aadhar card annexed to the documents submitted by the prosecution would show the name of the applicant as Shakil Khan Guljar Khan. The Pan card of the applicant is also annexed to the documents produced by the prosecution which shows that the name of applicant as Shakil Khan Guljar Khan and not Shaikh Shaikh Shaikh Guljar, as stated by the witnesses Bhagwat Marathe and Raju Chaudhari, Mohan Patil, Shaikh Shueb Shaikh Shakil, Shaikh Javed Shaikh Shakil and Sunil Mahajan. The prosecution has failed to conduct any I.D. Parade to identify the applicant is the same accused till date, even though the offence is of the year 2020.

6. Taking into consideration the fact that the applicant was not specifically named in the FIR and was lateron, arrayed as accused, only on the basis of statements of two witnesses Bhagwat Marathe and Raju Chaudhari, in the absence of any Test Identification Parade carried out of those two witnesses, the applicant's identity cannot be verified, I am inclined to protect the applicant in exercise of discretion under Section 482 of B.N.S.S. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No.0059 of 2020 registered with Raver Police Station, Dist. Jalgaon, for the offences under Sections 307, 302, 436, 143, 147, 148, 149, 452, 427 of IPC and under Section 37-1, 37-3 and 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act, the

applicant Shakil Khan Guljar Khan be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount, on the following conditions :-

- [I] The applicant shall attend the concerned police station and report to the Investigating Officer as and when called by him for further investigation and filing of charge sheet, if any, against the present applicant.
- [ii] The applicant shall not tamper with the prosecution evidence.
- [iii] The applicant shall furnish copies of his Adhar and Pan card to the Investigating Officer alongwith the addresses and mobile numbers of two nearest relatives.
- [iv] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-