



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

ANTICIPATORY BAIL APPLICATION NO. 1756 OF 2024

Rani Shabbir Shaikh & others

....Applicants

VERSUS

The State of Maharashtra & another

.....Respondents

.....

Mr. A. N. Barhate Patil, Advocate for Applicants.

Mr. A. V. Lavte, APP for the State.

**CORAM : ADVAIT M. SETHNA, J**

**DATE : 16 JUNE 2025**

**P. C. :**

1. This is an Application filed by the Applicants who apprehend arrest. The first Informant is one Arbaz Mastan Shaikh, aged 23 years, on whose report the present First Information Report ("**FIR**") is registered in Crime No. 811/2024. The FIR is dated 14 August 2024 registered by the Shrirampur Police Station. The date of the alleged incident is noted to be 14 August 2024. The said FIR is lodged under Sections 118(1), 115(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**').

**CASE IN THE FIR :**

2. According to the prosecution, on 14 August 2024, the injured/informant one Arbaz Mastan Shaikh, aged 23 years was admitted in Sakhar Kamgar Hospital for medical treatment. He informed that on the above date at about 12.30 pm, near courtyard of Court, Accused Nos.

1 to 3 apprehended him on the ground as to why he was making phone calls to the brother of one Sohail. The altercation resulted in an assault. The Accused threw chilli powder on the face of the Informant and all the three accused on the spot collectively assaulted him. Accused Rani pelted stone on the head of the Informant and one of the accused also assaulted the Informant by a knife on the back of the Informant. The Informant became unconscious on the spot. Thereafter his friend Saurabh and Raju admitted in the above mentioned hospital for treatment. In such facts and circumstances, the FIR is lodged.

#### **SUBMISSIONS :**

3. Mr. Patil, learned Advocate for the Applicants would first submit that after 11 days of lodging of the FIR, Section 118(2) has been subsequently added on 25 August 2024. There is no explanation coming in this regard from the prosecution. He would submit that the NC filed by the Applicant against the Informant on 14 August 2024 when the FIR was registered would indicate that it is a counter blast to the said FIR. This is a significant fact which needs to be taken into consideration. According to him, the Informant is a history sheeter. As far as present Applicants are concerned, there are no specific allegations in the FIR qua the Applicants. After passing of the ad-interim order dated 15 October 2024, which has been extended from time to time, the Applicants have been attending the Police Station and thus co-operating with the investigation. For such reasons, no custodial interrogation is warranted in the given

facts and circumstances of the case and the ABA be allowed.

4. On the other hand, Learned APP Mr. Lavte would vehemently oppose the Anticipatory Bail Application. He would draw attention of the Court to the police diary/papers. He would first submit that the spot panchanama dated 14 August 2024 would indicate that chilli powder was found on the spot, which goes to show that the incident actually took place on the said date. He would then submit that further statements have been recorded. He would draw attention of the Court to the recovery panchanama dated 6 November 2024 by which, the alleged weapons i.e. knife and stone have been recovered. He would also invite Court's attention to the Injury Certificate dated 14 August 2024 which would show that the injuries are of serious nature. He would thus submit that the offences being of serious nature, no leniency ought to be shown. Custodial interrogation of the Applicants is warranted and the Anticipatory Bail Application be rejected.

**FINDINGS :**

5. I have heard learned Advocates for the parties and with their assistance, perused the record. On a bare perusal of the FIR dated 14 August 2024, there are no specific allegations against the present Applicants which appear to be general in nature. The alleged injury caused by the knife is not specifically attributed to the Applicants, which is prima facie apparent from the FIR. As submitted by the prosecution,

the alleged weapons i.e. knife along with a stone have been duly recovered which is evident from Recovery Panchanama dated 6 November 2024. The prosecution would not dispute that after passing of the ad-interim orders, the Applicants have appeared and remained present at the Police Station as directed by the Court vide order dated 15 October 2024. The Applicants appear to have complied with the orders. The Injury Certificate indicates grievous injury. However, in my view, the injury in the given facts would not prima facie, attract ingredients of Section 118 read with Section 115(2) as noted in the FIR. Also, there are no criminal antecedents reported against the applicants.

6. For the above reasons, I am of the view that a prima facie case for grant of anticipatory bail has been made out. It is not disputed that investigation is a right of the police authorities which ought not to be halted, but in each and every case, custodial interrogation may not be required. The given factual complexion does not mandate a custodial interrogation of the applicants. Considering the above, the following order would meet the needs of justice.

#### **ORDER**

(i) In the event of arrest of the applicants in connection with C.R. No. 811/2024, registered with Shrirampur City Police Station, Dist. Ahmednagar, for the offences punishable under Sections 118(1), 118(2), 115(2), 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicants are directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) each with one solvent surety in the like amount.

(ii) The applicants shall attend the concerned Police Station on every Monday at 11.30 am. They are further directed to co-operate the investigation.

(iii) The applicants shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately informed to the concerned police station.

(iv) The applicants shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

(v) They shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

**(ADVAIT M. SETHNA, J.)**