

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1770 OF 2025

Saeed Khan Kabir Khan And Others

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

Advocate for Applicant : Mr. M A Latif Abdul Rahim Qureshi
APP for Respondents: Mr. K.N. Lokhande.

CORAM : MEHROZ K. PATHAN, J.

DATE : 9TH DECEMBER, 2025.

P.C. :-

The applicants have approached this court, seeking grant of anticipatory bail in Crime No. 0469 of 2025 registered with CIDCO Police Station, Dist. Chatrapati Sambhajnagar for the offences under Sections 115-2, 119-2, 351-2, 352 r/w. 3-5 of the Bhartiya Nyaya Sanhita.

2. The prosecution case in brief is that, on 14.08.2025 at about 5.30 p.m. when the informant was present at the shop owned by him situated at Jadhav Wadi, the applicant alongwith other accused came there and abused him, saying that it is their shop and the informant should not sell the fruits from the said shop. It is alleged that applicant Saeed Khan Kabir Khan, Kadir Khan Kabir Khan caught hold of him and beat him with fist and kick blows. Irshad Khan Saeed Khan caused him injury on his chest on right side and on his back and on his left hand by giving a blow knief. All of them beat him with fist and kick blows. The applicant Syed Khan Kabir Khan snatched away an amount of Rs. 6,000/- which he had received by selling the fruits. At that time, when the

younger brother of the informant tried to intervene, they also beat him and threatened that if the informant and his brother again come for selling fruits in their shop, they will be killed.

3. The learned counsel for the applicants submits that the applicant has been falsely roped in as the applicants and the complainant are neighbours and there are several disputes going on between the applicants and complainant. Therefore, the applicants have been roped in to take revenge. He further relies upon the copy of the Regular Civil Suit annexed to the application bearing R.C.S. No. 1017 of 2024, filed by the applicant – Saeed Khan Kabir Khan to show that it is only with an intention to harass the applicants that the complainant has filed a false report. The injury certificate also does not corroborate the allegations in the FIR and as such, the applicants may be released on bail as the applicants are ready to abide by any conditions that may be imposed by this Court.

4. As against this, the learned APP vehemently opposes the application on the ground that the offence is serious in nature and the allegations of extortion by causing grievous hurt voluntarily by means of dangerous weapons is invoked against the present applicants. As such, this is not a fit case to grant anticipatory bail to the applicant. Moreover, there are earlier offence registered against the applicants and there is every likelihood that the applicants, if released on bail may again indulge into a cognizable offence, thereby disturbing the peace and tranquility of the vicinity. Hence, the application may be rejected.

5. It can be seen from the investigation papers made available by the learned APP that the injuries sustained by complainant Shaikh Mujib Shaikh Rajjak as well as his brother Shaikh Mobin, does not show any corresponding injury as stated by the complainant in his FIR. There

is no injury on the chest or abdomen which corresponds to the allegation of Irshad Khan Saeed Khan giving blow of knife on the chest of the complainant. Moreover, the medical treatment papers of Shaikh Mujib and Shaikh Mobin issued by the Government Medical College, Aurangabad would show that the brother of the complainant, i.e. Shaikh Mobin had sustained a linear abrasion over the right back and abrasion on his left arm.

Thus, taking into consideration the discrepancy in the medical treatment paper of complainant Shaikh Mujib, and his brother Shaikh Mobin, coupled with the fact that there were N.C. Report filed earlier by complainant against the applicant No.1 and also a civil suit for injunction being filed by the applicant No.1, the false implication of the applicants in the present crime cannot be ruled out. However, the observations made herein above, are prima facie in nature, and may not influence the trial court. The apprehension of learned APP can be taken care of by imposing stringent conditions.

6. In my opinion, therefore, the case is made out for grant of protection to the applicants. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicants, in connection with Crime No. 0469 of 2025 registered with CIDCO Police Station, Dist. Chatrapati Sambhajinagar for the offences under Sections 115-2, 119-2, 351-2, 352 r/w. 3-5 of the Bhartiya Nyaya Sanhitam, the applicants :-

[I] Saeed Khan s/o. Kabir Khan ;

[ii] Qadeer Khan s/o. Kabir Khan;

[iii] Irshad Khan s/o. Saeed Khan;

be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- each, with one or more sureties in the like amount, on the following

conditions :

[i] The applicants shall attend the concerned Police Station on Friday and Saturday between 11.30 a.m. to 1.00 p.m. and shall cooperate with the investigation.

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

[iii] The applicants shall not enter the jurisdiction of CIDCO police Station, Dist. Chhatrapati Sambhajnagar till filing of charge sheet.

[iv] A single violation of the conditions or commission of any further offence by the applicants shall entitle the prosecution to seek cancellation of bail of the present applicants.

[v] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-