



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1944 OF 2025

Shaikh Abdul Mobin Shaikh Abdul Wahed

VERSUS

The State Of Maharashtra

...

WITH

CRIMINAL APPLICATION NO. 4507 OF 2025

IN

ANTICIPATORY BAIL APPLICATION NO. 1944 OF 2025

Shaikh Rahim Shaikh Imam

VERSUS

The State Of Maharashtra And Another

...

- Mr. B. N. Palwe, Advocate for Applicant in ABA NO. 1944/2025
- Mr. P. D. Patil, APP for Respondent – State
- Mr. Prashant P. Giri, Advocate h/f. Ms. S. V. Dound, Advocate for Applicant/Complainant

...

CORAM : MEHROZ K. PATHAN, J.

DATED : 10.12.2025

PER COURT :

1. Heard learned counsel for the applicant, learned APP for the respondent-State, and learned counsel for the complainant.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0275 of 2025, dated 18.09.2025, registered with Kinwat Police Station, Tq. Kinwat, District Nanded,

for offences punishable under Sections 118(2), 115(3), 352, 351(2) and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*.

3. The prosecution case, in brief, is that the complainant Sk. Rahim, aged 73 years and resident of Gokunda, Kinwat, lodged a report on 18.09.2025 alleging that on the same morning at about 10:15 a.m., while he and his son Sk. Wasim were standing in front of their house, the accused Sk. Abdul Mobin, Sk. Abdul Rashid and Sk. Abdul Mujahid came there and, over a dispute regarding space, abused and assaulted them with fists and kicks. The neighbours intervened and separated the parties.

. Thereafter, when the complainant and his son were proceeding towards Alfalah English Medium School, accused Sk. Abdul Mobin allegedly called his brothers and asked them to bring a sabbal (iron crowbar) to assault them. Accused Sk. Abdul Mujahid allegedly brought the crowbar and assaulted Sk. Wasim on his head, causing a bleeding injury. The complainant was also assaulted and threatened with death. The injured Wasim was taken to hospitals at Gokunda and Adilabad and was later referred to Nagpur for further treatment. On the basis of this complaint, the present FIR came to be registered.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that the applicant was not present at the time of the second incident, which took place between

12:30 p.m. to 01:00 p.m. near Rahim Kirana Stores. The role of assault is specifically attributed to co-accused Abdul Mujahid, Abdul Rashid and Abdul Wahed, whereas the applicant is only alleged to have abused the complainant in the morning at about 11:00 a.m. on the same day. It is therefore submitted that even taking the FIR at face value, no overt act of inflicting injuries is attributed to the applicant. The applicant has no criminal antecedents, is ready to abide by any conditions, and nothing is to be recovered from him. Hence, he prays for grant of anticipatory bail.

5. The learned APP, as also the learned assisting counsel Mr. Prashant P. Giri, Advocate, vehemently oppose the anticipatory bail application on the ground that there are serious allegations of assault against the applicant, who is alleged to have abetted the actual assailants - Abdul Mujahid, Abdul Rashid and Abdul Wahed, in inflicting injuries upon the complainant by means of a crowbar. It is submitted that the co-accused were instigated by the applicant to assault the complainant, which resulted in the said injuries caused with a crowbar. The injury certificate corroborates these allegations and, therefore, this is not a fit case to grant anticipatory bail to the present applicant.

6. I have gone through the investigation papers made available by the learned APP. The injury certificate of Wasim, issued by the District

Hospital, Gokunda, Tq. Kinwat, shows that he sustained a *lacerated wound on the parietal region*. The injury is attributed in the FIR to the co-accused Abdul Mujahid, Abdul Rashid and Abdul Wahed, and not to the present applicant.

7. A perusal of the case diary further reveals that the witness Shaikh Fahim, who is the son of the complainant and real brother of the injured Wasim, and who was present at the time of the second incident, does not state the presence of applicant at the time of the second assault which took place between 12:30 p.m. and 01:00 p.m. He has attributed the assault specifically to the other co-accused, but the name of the applicant is absent in respect of the second incident.

8. Thus, considering the nature of allegations and the material on record, particularly the statement of eye-witness Shaikh Fahim, I am inclined to grant protection to the applicant.

9. Accordingly, the following order is passed :-

ORDER

- i. In the event of arrest of the Applicant – Shaikh Abdul Mobin Shaikh Abdul Wahed, he shall be released on bail on furnishing PR. bond of Rs. 50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, in connection with FIR No. 0275 of 2025, dated 18.09.2025, registered with Kinwat Police Station, for offences punishable under Sections 118(2), 115(3), 352,

351(2) and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*, subject to the following conditions:

- A) The applicant shall attend the concerned police station and report to the Investigating Officer every Saturday between 12:00 noon and 02:00 p.m. till filing of the charge-sheet, and thereafter as and when called.
- B) The Applicant shall also cooperate with the investigation.
- C) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- D) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

10. Needless to say, violation of any of the above conditions or involvement of the applicant in any other cognizable offence shall entitle the prosecution to seek cancellation of bail.

11. The Anticipatory Bail Application stands disposed of accordingly.

12. The application for assisting the prosecution also stands disposed of.

(MEHROZ K. PATHAN, J.)