



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

**917 ANTICIPATORY BAIL APPLICATION NO. 1902 OF 2025
WITH
CRIMINAL APPLICATION NO. 4560 OF 2025**

**SHAFIK MARIYAN KHATIK ALIAS QURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

WITH

**ANTICIPATORY BAIL APPLICATION NO. 1904 OF 2025
WITH
CRIMINAL APPLICATION NO. 4559 OF 2025**

**FAIMUNBI MARIYAMSAB KURESHI ALIAS KHATIK
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Hashmi Mir Ubaidali Mir Sajidali, Advocate for Applicant
Mr. A. A. A. Khan, APP for the Respondent/State
Mr. T. M. Venjane, Advocate for assist to PP

**CORAM : MEHROZ K. PATHAN, J
DATE : 04.12.2025**

P. C. :-

1. Heard learned counsel for the Applicants, Mr. Venjane, learned Advocate for the complainant who has filed an application for assisting the prosecution and the learned APP.

2. With the assistance of the learned counsel, the charge-sheet, now stands filed before the learned jurisdictional Court. The perusal of the first information report which is registered on the basis of the statement of the deceased shows that the accused-Taufiq and his girlfriend has gone for a ride on 24.07.2025. After coming back at home, the deceased (wife of Taufiq) has inquired about the same, to her husband (Taufiq) and then it is alleged that the husband-Taufiq had put the victim-deceased on fire by pouring petrol upon her. At that time it is alleged that the applicant Faimunbi Kuresh who is the mother-in-law of the deceased and another accused applicant Shafik Qureshi who is the brother-in-law of the deceased had latched the door from outside. It is thereafter that the fire was then doused and the deceased was taken to the hospital at Latur.

3. This Court while granting ad-interim relief order dated 06.11.2025 has directed the applicants-mother-in-law and the brother-in-law of the deceased to attend the police station as and when called by the Investigating Officer. The applicants have attended the police station as and when called by the Investigating

Officer and there is no violation of any condition of the interim order passed by this Court dated 06.11.2025. On the merits of the matter, the learned assisting counsel Mr. Venjane vehemently opposed the grant of the anticipatory bail to the present applicants as the first information report itself which is registered on the basis of the statement of the victim, clearly alleges overt acts on the part of the present applicants in latching the door from outside so that victim-deceased could not make any attempt to save herself. It is his submission that this allegation in the first information report has become a dying declaration as the deceased had later succumbed to the 69% burn injuries which she had sustained in the incident.

4. It is his further submission that the applicants and their relatives were continuously giving threats to the family members of the deceased for taking back the complaint against them. He has placed on record a copy of the representation made to the Superintendent of Police, Latur and the N.C. Report No.356/2025 registered at Latur (Rural) Police Station at the instance of Samina Kureshi i.e. mother of the deceased. He, therefore, submits that

the applicant is released on bail, may again indulge in the some cognizable offence and may cause prejudice to the prosecution witnesses, hence the applicants may not be released on bail as the charges against them are serious in nature and is punishable with life imprisonment.

5. Learned APP also took me through the charge-sheet and the evidence collected by the prosecution during the course of the investigation. He particularly relies upon the statement of the driver and one acquaintance Mr. Kamble who had stated about the initial quarrels which has taken place between the family members including the present applicants Faimunbi and Shafik, who had later on assured of good conduct and the dispute was then settled on the ground that the main accused Taufiq would not continue his relationship with her alleged girlfriend-Heena. He, therefore, submits that there are allegations which directly implicates the role of present applicants in commission of the said offence, thus, this is not a fit case for exercising the discretion for grant of anticipatory bail. Hence, the Anticipatory Bail Applications may be rejected.

6. I have gone through the charge-sheet filed by the prosecution before the learned jurisdictional Court, a perusal of the same would show that there is no other corroborative evidence collected by the prosecution apart from the statement of the victim. Though, the spot of incident shows residential area, no statement of neighboring residents was recorded by prosecution till date evidencing any role played by applicants in the crime. The FIR shows husband Taufiq took deceased to Hospital. The husband Taufiq and other co-accused Heena are already arrested and are behind the bars. The applicants have attended the Investigating Officer as per the interim order. The custodial interrogation of the applicants, therefore, in my opinion would not be necessary. The apprehensions of the learned APP and learned assisting counsel Mr. Venjane can be taken care of by imposing stringent condition.

7. Furthermore, it is submitted by the learned counsel for the applicants that the N.C. report is filed by the mother of the deceased as against the family members of the applicants and not against the applicants for same.

8. It would be apposite to refer here the observations in Application for Cancellation of Bail No. 144/2021 (Hulaji Gangaram Shete Versus Balaji Ramji Shinde and Others) (Coram : Smt. Vibha Kankanwadi, J.), dated 28.02.2002, dealing with the non cognizable reports filed at the behest of the complainant. This Court has observed as under:-

"6. It is to be noted that the said non cognizable offence appears to have been registered under Section 155 of the Code of Criminal Procedure. It appears that the police have not taken any recourse to Section 155(2) of the Code of Criminal Procedure, nor the present applicant had taken further legal steps by filing private complaint before the concerned Judicial Magistrate First Class for taking further legal recourse. Under such circumstance, if authorities as well as the applicant himself has not taken action, that fact as alleged in the N.C. complaint cannot be taken as a ground for cancellation of bail. If actions are taken by this Court such as cancellation of bail on the basis of the N.C. complaints, then every informant would come to this Court with a prayer of cancellation of bail. What is expected is that the legal recourse that is available to the informant/witnesses and/or to the police should be exhausted so that the concrete evidence can be before this Court to take extreme step of cancellation of bail. When bail is granted after considering all the merits involved, then its cancellation cannot be on the basis of mere lodging of a non cognizable offence."

9. In the present case also, no further steps is pursuance of N.C. appeared to have been taken either by the complainant or the prosecution.

10. Taking into consideration the above, I am inclined to protect the applicants. The interim order dated 06.11.2025 is hereby confirmed and shall operate on the following additional conditions.

ORDER

(i) The applicants shall also cooperate with the investigation.

(ii) The applicants shall furnish a copy Aadhaar Card or any other valid photo identity proof to the Investigating Officer at the time of execution of the bond and shall inform the Investigating Officer of his current residential address and mobile number, and any change thereto, from time to time.

11. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution and the complainant to seek cancellation of bail.

12. The applications for assisting the prosecution are also disposed of accordingly.

(MEHROZ K. PATHAN, J)

ssp