



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

ANTICIPATORY BAIL APPLICATION NO. 2090 OF 2025

1. JUNAID QUDDUS PATHAN
2. BAHADUR RASULKHAN PATHAN
3. NAVID YUNUS KHAN PATHAN
4. PASHA MADAR SAYYAD
5. MOHAMAD SHAMAT SAYYAD
6. BILAL RAFIQ PATHAN
7. MALIK MUKHID PATHAN
8. SHARUKH ISAAK PATHAN
9. MUKHTADIR KHADIR KHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 4650 OF 2025

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Advocate for Applicants : Mr. Bobade Yogesh K

APP for Respondents/State : Mr. R. K. Ingole

Advocate for Complainant : Mr. Deshpande Ojas Arunrao

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CORAM : MEHROZ K. PATHAN, J.

DATE : 18th DECEMBER 2025

PER COURT :

1. Heard the learned Counsel for the Applicants, the learned Counsel for assisting the prosecution and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.376/2025 registered with Majalgaon Rural Police Station, District Beed for the offences

punishable under Sections 74, 126(2), 333, 118(1), 118(2), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3) read with 190 of the Bharatiya Nyaya Sanhita, 2023.

3. After hearing for sometime, the learned Counsel Mr. Bobade for the Applicants on instructions, seeks permission to withdraw the application to the extent of Applicant Nos. 2, 3, 5, 6, 7, 8, 9, as this Court was not inclined to grant relief to them.

4. Permission is granted. The application is disposed of as withdrawn to the extent of Applicant Nos. 2, 3, 5, 6, 7, 8, 9.

5. Insofar as the Applicant Nos. 1 and 4 are concerned, it is the submission of the learned Counsel for the Applicants that Applicant No.1, Junaid Quddus Pathan, is not a resident of the village where the incident took place. He resides at Rajani, Taluka Dhansavangi, and has been deliberately implicated in the present crime despite the fact that he is pursuing a Ph.D. in Agriculture at Punjabrao Deshmukh University, Akola. It is further submitted that Applicant Nos. 1 and 4 have been falsely implicated as the complainant party intended to take revenge against the family members of the Applicants. A counter FIR, being FIR No. 377/2025, has been lodged at the behest of the relative of the Applicant No.1/Junaid, Mukhid Khan, against the complainant party, wherein the complainant's brother, Tasleem Pasha, is also named as an accused, namely Zulfiqar Daud Khan Pathan. The learned Counsel therefore submits that

Applicant No.1 deserves protection, particularly since other co-accused persons facing identical offences have already been released on anticipatory bail. He places on record a copy of the fee payment receipt dated 04.08.2025, which shows payment made to the Post-Graduate Institute of Punjabrao Deshmukh Agricultural University towards the Ph.D. Agriculture 4th Semester registration fee. The same is taken on record and marked as 'X'. He therefore submits that he may be released on bail, as he has no criminal antecedents and is ready to abide by any conditions that may be imposed by this Court.

. Insofar as the Applicant No.4/Pasha Madar Sayyad is concerned, it is submitted that he is an elderly man aged 73 years and has been deliberately implicated in order to involve all the family members of the Applicants. A counter FIR, being FIR No.377/2025, has been lodged by a relative of Applicant No.4, namely Mukhid Khan, against the complainant party. In that FIR, one of the accused is the real brother of the present complainant, Tasleem Pasha, namely Zulfiqar Daud Khan Pathan. It is therefore submitted that, considering the age of Applicant No.4, the allegations in the FIR are improbable, and Applicant No.4 deserves protection, particularly as he has no criminal antecedents and is willing to abide by any conditions that may be imposed by this Court.

6. As against this, the learned APP vehemently opposes the application on the ground that the Applicants are directly named in the FIR as having inflicted serious injuries on the complainant's wife, Asmabi, and on Sohail Khan. He places on record the injury

certificates of Asmabi, wife of the complainant, and of Sohail Khan. It is alleged that Asmabi was assaulted by Applicant No.1/Junaid, whereas Sohail Khan was assaulted by Applicant No.4/Pasha. The weapons used by Applicant Nos. 1 and 4 are stated to be dangerous, and hence there is every likelihood that they may again indulge in similar cognizable offences, thereby causing disturbance to law and order as well as peace and tranquility in the vicinity. The Applicants are involved in the serious offence punishable with life imprisonment. Hence they may not be released on bail.

7. The learned Counsel assisting the prosecution also adopts the arguments advanced by the learned APP and opposes the present application on the ground that the Applicants have a criminal tendency and may again threaten the complainant and his family members, thereby creating a law and order problem and causing prejudice to the trial. He prays for rejection of the application.

8. I have gone through the investigation papers. The perusal of the allegations in the FIR would show that there was a free fight between the family members of the complainant and the Applicants, and counter FIRs have been registered one being the present FIR No.376/2025 and another filed by a relative of the Applicants, i.e., FIR No.377/2025. Applicant No.1 is stated to be pursuing Ph.D. studies at the Agricultural University, Akola, and a receipt evidencing payment of fees has already been placed on record. A resident certificate issued by the Gram Panchayat, Ranjani, further shows that

Applicant No.1 was not present in village Somthana at the time of the incident but was residing at village Ranjani. Thus, taking into consideration the aforesaid submissions made by the learned Counsel for the Applicants, I am inclined to protect the Applicant No.1/Junaid Quddus Pathan.

. Insofar as the Applicant No.4/Pasha Madar Sayyad is concerned, he is shown to be aged 73 years. The Aadhaar Card of Applicant No.4 has been produced on record and marked as 'Y' for the purpose of identification, which shows his date of birth as 01.01.1952. Thus, taking into consideration the nature of the allegations in the FIR, wherein all family members have been attributed some role in the alleged assault, and also taking into consideration the counter FIR No.377/2025 filed by a relative of the Applicant, I am inclined to protect the Applicant No.4/Pasha Madar Sayyad. The apprehension of the learned APP and the learned Counsel assisting the prosecution, can be taken care of by imposing stringent conditions upon the Applicant Nos. 1 and 4. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant No.1 - Junaid Quddus Pathan and Applicant No.4 - Pasha Madar Sayyad, in connection with Crime No.376/2025 registered with Majalgaon Rural Police Station, District Beed for the offences punishable under Sections 74, 126(2), 333, 118(1), 118(2), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3) read with 190 of the Bharatiya Nyaya Sanhita, 2023,

they be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties in the like amount, on the following conditions :

(b) Applicant Nos.1/Junaid Quddus Pathan and Applicant No.4/Pasha Madar Sayyad, shall attend the Majalgaon Rural Police Station, District Beed on every Saturday between 11:00 am. to 01:00 pm., till framing of the charge.

(c) Applicant Nos.1 and 4 shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) Applicant Nos.1 and 4 shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(ii) The anticipatory bail application is allowed in the aforesaid terms to the extent of Applicant Nos.1/Junaid Quddus Pathan and Applicant No.4/Pasha Madar Sayyad only, and is accordingly disposed of.

(iii) The application for assisting the prosecution are disposed of.

MEHROZ K. PATHAN
JUDGE