



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

22 ANTICIPATORY BAIL APPLICATION NO. 623 OF 2025

1. Feroz Ismail Shaikh,
2. Aawez Feroz Shaikh,
3. Naser Ismail Shaikh.

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Ladda Somnath G.

APP for Respondents-State: Ms. N. B. Kamble

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CORAM : ARUN R. PEDNEKER, J.

Dated : May 05, 2025.

PER COURT :-

1. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application in respect of applicant No.1 – Feroz Ismail Shaikh and applicant No.2 – Aawez Feroz Shaikh.
2. The application is dismissed as withdrawn in respect of applicants No.1 and 2 only.
3. Heard the learned counsel for applicant No.3 and the learned APP for the respondent-State.
4. Applicant No.3 – Naser Ismail Shaikh has approached this Court apprehending arrest in connection with FIR No.89/2025, dated 16/02/2025, registered at Ambad Police Station, District Jalna, for the offences punishable under Section 103(1) read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023*.
5. As far as applicant No.3 is concerned, the allegation is that on

15/02/2025 at about 10:15 p.m., he, along with the co-accused, assaulted the deceased, and as a result of the said assault, the deceased succumbed to the injuries and later expired. However, the learned APP, referring to the police papers, submits that the CCTV footage does not show the involvement of applicant No.3 – Naser Ismail Shaikh in the commission of the crime. Furthermore, the two eyewitnesses to the incident, namely Salman @ Chotu Mujahid Chouse and Sudarshan Raju Shingare, have not named applicant No.3 in their statements recorded under Section 161 of the Cr.P.C. The only material against applicant No.3 is the hearsay version of one Tousif Habib Shaikh, which lacks corroboration. There is no other substantive material connecting applicant No.3 to the offence.

6. Considering the above circumstances, this Court is of the opinion that applicant No.3 deserves protection by way of anticipatory bail.

7. In view of the above, the application is allowed in the following terms: -

i] In the event applicant No.3 – Naser Ismail Shaikh is arrested in connection with FIR No.89/2025, dated 16/02/2025, registered at Ambad Police Station, District Jalna, for the offences punishable under Section 103(1) read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023*, he shall be released on bail on furnishing a PR bond of ₹20,000/-, with one or two sureties in the like amount, to the satisfaction of the

trial Court.

ii] The applicant shall attend Ambad Police Station on 08/05/2025, 09/05/2025, and 10/05/2025 between 10:30 a.m. and 01:30 p.m., and thereafter as and when called by the investigating officer.

iii] The applicant shall not tamper with the prosecution evidence in any manner and shall not influence the informant, witnesses, or any other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and attend all proceedings before the trial Court as and when required.

8. In the event the applicant violates any of the above conditions, this order shall be liable to be recalled.

9. It is clarified that the observations made herein are confined to the adjudication of the present anticipatory bail application. The trial Court shall proceed on its own merits, uninfluenced by any of the observations made in this order.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.