



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 877 OF 2025

Mohammad Amer Mohammad Ayub

Versus

The State of Maharashtra

Mr. Shaikh Wajeed Ahmed for the Applicant.

Mr. R. S. Wani, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 26 JUNE 2025

P C.:

1. This is an Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) as the Applicant in the present proceedings apprehends arrest.

2. These proceedings arise out of CR No.0081 of 2025. The FIR is lodged on 25 February 2025 at 05.12 hours by the Vazirabad Police Station, Nanded. The date of the alleged incident as stated in the FIR is 24 February 2025. The FIR has been registered under Section 4/25 of the Arms Act and Sections 109, 118(1), 118(2), 308(2), 352, 351(2), 189(2), 189(4), 190, 191(1), 191(2), and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

Case in FIR:-

3. There are 9 accused persons named in the FIR including this Applicant, who is accused No.3. It is stated that on 24 February 2025 at

about 7.25 p.m. the Informant-Mohd. Salim Mohd. Gousoddin's brothers Mohd. Kaleem and Mohd. Adil were in their medical shop and he was standing outside the shop. At that time Wasim Khan had been there and asked them as to why they were not giving discount and started demanding money and then he broke the counter glass of their medical store with his hand and took the glass piece and had thrown the same on Mohd. Kaleem and Mohd. Adil the co-accused persons. Then, when informant had been there and tried to rescue his brother Wasim Khan, the relatives of the applicants/co-accused who were armed with dagger started assaulting them. Sohail assaulted informant's brother Mohd. Shakeel with dagger on his stomach with intention to kill him and Adil assaulted with a dagger on his head. The said blow was taken by his brother on his hand. When the cousin of informant tried to rescue them Parvej and others assaulted the informant with iron rod on his head and hands. Sohail also assaulted with panch to Mohd. Kaleem on his nose. Whereas, other accused Tausif, Naveed Faisal assaulted them with iron rod. Sohail also committed theft of the amount from the counter of the medical shop. In such circumstances, report was lodged by the Informant and the FIR came to be registered.

Submissions:-

4. Mr. Shaikh, learned counsel for the Applicant would contend that a bare perusal of the FIR would reveal that no role is attributed to the present Applicant except for being at the spot on the day and time of alleged

incident. He would refer to an earlier FIR dated 25 February 2025 in another crime No.0080 of 2025 lodged by accused No.1 in the present proceedings under Sections 4/25 of the Arms Act and Sections 109, 118(1), 118(2), 352, 351(2), 189(2), 189(4), 190, 191(1), 191(2), and 191(3) of the BNS. He would submit that this is a case of cross FIR where the present Applicant is being falsely implicated. In such circumstances, he would submit that the Anticipatory Bail Application be allowed subject to the terms and conditions as this Court deems fit and proper.

5. Mr. Wani, learned APP would vehemently oppose the Application. He would submit that all of these persons have acted in furtherance of their common intention to assault the Informant and caused grievous hurt to the informant. The offences are all serious in nature. He would submit that for the purpose of a proper investigation, custodial interrogation of this Applicant would be necessary. In such facts and circumstances, he would submit that the present Anticipatory Bail Application be rejected.

Findings:-

6. Heard learned counsel for the parties. With their assistance, perused the record. It is submitted by the learned counsel for the parties that the charge-sheet is filed on 4 June 2025 before the Chief Judicial Magistrate, Nanded. On a perusal of the FIR, it would reveal that the alleged incident took place on 24 February 2025 at 7.25 p.m. As noted in the FIR, several

persons were present on the date and place of such alleged assault. The Applicant Mohammad Amer Mohammad Ayub was also present on the date and place of such alleged assault. However, it is apparent that there is no role whatsoever attributed to the Applicant insofar as the assault on the Informant is concerned. There is no reference to any weapon much less a dangerous weapon used by the Applicant. From the Sections noted in the FIR, it would reveal except Sections 118(2) and 109, most of the other offences are bailable in nature, which *prima facie*, at this stage are not applicable qua this Applicant. It is submitted that the present Applicant has no criminal antecedents. The Applicant undertakes to fully co-operate with the investigation and abide by all terms and conditions imposed by this Court. In such facts and circumstances, custodial interrogation of the Applicant is not necessary and/or warranted. The Anticipatory Bail Application deserves to be allowed by the following order, which in my view, would meet the ends of justice:-

ORDER

- (i) In the event of arrest of the Applicant in connection with C.R. No.0081 of 2025 registered with Vazirabad Police Station, Nanded for the offences punishable under Section 4/25 of the Arms Act and Sections 109, 118(1), 118(2), 308(2), 352, 351(2), 189(2), 189(4), 190, 191(1), 191(2), and 191(3) of the BNS, the Applicant is directed to be released on bail on his

furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.

- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station as and when required by the Investigating Officer and/or called by the Investigating Officer until filing of the charge-sheet.
- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (iv) The Applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court.
- (v) The Applicant shall not influence the witness/es and/or tamper with the evidence in any manner whatsoever.

7. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

8. The Anticipatory Bail Application is allowed in the above terms.

[ADVAIT M. SETHNA, J.]