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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 491 OF 2025

Aarman Allauddin Shaikh

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Karansingh Rajput a/w. Adv.Fauzan Shaikh for the Applicant.

Mr. Anand S. Shalgaonkar, A.P.P. for the State.

Ms.Swati N. Survase, P.S.I., Tembhurni Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 10th MARCH,2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 790/2024 dated 31st December, 2024 registered with Tembhurni Police Station, Solapur Rural for the offences punishable under Sections 118(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 7 and 25 of the Indian Arms Act.

2. It is the case of the prosecution in the FIR that the first informant was carrying on business of selling meat at Mhasoba

Temple at Village Rui. Four years back, there was a dispute between Allauddin Shaikh and Maula Mulani on account of starting of hotel near Mhasoba Temple. On 31st December 2024 at 10.40 a.m. the applicant alongwith Namdev Shrimant Survase, Shahrukh Baban Mulani were present at Mhasoba Temple and Bashir Mulani was in hotel at Village Rui. At that time, he heard a voice of quarrel. Therefore, the applicant and saw that the the present applicant and his associate were assaulting Bashir Mulani by stick of his head and back. As people gathered, the applicant started running from the site. He was followed by Namdev Survase and Shahrukh Mulani who chased them and caught hold of them. At that time, the applicant was taking out a pistol from his waist. A live bullet fell from the pistol on the ground. As people gathered on the site, the applicant and his associates ran away on motor cycle. Mr.Bashir Mulani had sustained injury on his head and his relative shifted him to a hospital. Therefore, an FIR was lodged.

3. The learned advocate appearing for the applicant argued the judicial custody of the applicant is not necessary. The applicant has co-operated till now and will co-operate with the police. The weapon

used in the offence being stick has been handed over to the police. Though there is one antecedent against the applicant and a regular bail has been granted in the said crime.

4. The learned A.P.P. submits that there are two accused in the present crime. The present applicant is accused no.1. The accused no.2 is absconding. There is one antecedent recorded against the present applicant a crime in which offences punishable under Sections 302, 143, 145, 147 and 149 of the Indian Penal Code are invoked. So also, Sections 4, 25, 27 and 35 of the Arms Act are invoked. The other accused in the crime is absconding. The medical report shows that the injury is caused to the first informant. The pistol is still to be recovered though the bullet has been found, the applicant has not co-operated. The offence has committed during the election.

5. I have heard learned counsel for both the sides and I have gone through the FIR, the documents on record and the medical certificate.

6. The first informant has been hit by some hard and blunt object

as mentioned in the medical certificate. The injury is on the head, left hand wrist, back region and left hand little finger. The nature of the injury is simple. The fact remains that in the present crime it is noted in the FIR that the applicant was holding a pistol in his waist. Accidentally, a bullet fell down which the police has taken into custody. The learned A.P.P. submits that the crime has taken place during the election period. The other accused is absconding. The applicant was directed to attend the office of the Investigating Officer. However, though he attended the office of the Investigating Officer, he has not co-operated. According to A.P.P. as he has not given any details of the co-accused. There is antecedent against the present applicant which involves offences punishable under Section 302 of the Indian Penal Code. There are eye witnesses to the present crime. Therefore, according to me no case is made out. Physical presence of the applicant for interrogation is necessary for completion of the investigation. Moreover, there is possibility of pressurizing and threatening witnesses and tampering with evidence.

7. Hence, **this anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]