



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 596/2025

ASLAM MAHAMAD KAZI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. S. P. Joshi a/w. Adv. Yash Fadtare, Adv. Shivani Kondekar for
applicant.

Ms. Rutuja A. Ambekar, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATE : MARCH 5, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya
Nagarik Suraksha Sanhita, 2023 in connection with the First
Information Report (FIR) No. 295/2024 registered with the Miraj
City Police Station, District Sangli, for the offence punishable under
Sections 310(2), 310(5), 333, 115, 351(2), 352, 324 of the Bhartiya
Nyaya Sanhita, 2023 read with Sections 37(1), (3), 135 of the
Maharashtra Police Act.

2. It is the case of the prosecution that the informant runs a Hotel
by name "Afgan Darbar" which is opposite to the Hotel of the accused

named as “Noor Hotel”. On 26/9/2024, at around 3.00 p.m., while the informant along with his family members and hotel staff were present in the hotel, at that time, the accused persons including the present applicant entered into the hotel. The present applicant was holding knife. The accused persons threatened the informant and his family members to close down their hotel and leave the locality. At that time, they started beating the informant with the fist and kick blows. Thereafter, another 4-5 persons entered in the hotel and started breaking of the glasses of the informant’s hotel by throwing chair on the glasses. As the family members tried to intervene, the applicant pushed the mother of the informant, because of which she fell down on the floor. The present applicant, thereafter, put his foot on her neck and told her that she and her family members should leave the hotel or otherwise whole family would not be spared. Thereafter, the other accused started beating the family members of the informant by fist and kick blows and also abused them. The applicant also forcefully took around Rs.30,000/- from the counter of the hotel. The co-accused Matin damaged the cable of CCTV and took the DVT and Wi-Fi mode of the Airtel company and forcibly took the mobile phone of Samsung made which belonged to the father of the informant. By showing knife the applicant again told the informant

that the hotel has to close down immediately or else the family members of the applicant would not be spared. Based on these allegations, an FIR has been lodged.

3. Mr. Joshi, the learned counsel for the applicant submitted that he wants to fairly state before this Court that there are antecedents reported against the present applicant which can be seen from the document which is enclosed on page 39 of the anticipatory bail application. Out of the five antecedents, in three matters, the applicant has been granted acquittal. He further submitted that this is a case of cross FIRs and out of the 14 accused persons, two have been released on pre-arrest bail by the Sessions Court and at least four accused have been granted regular bail by the Sessions Court. He submitted that it is word against word and there are cross FIRs, therefore, it is necessary to see the medical certificates in order to verify whether it is the informant's and his family members who have assaulted by the accused persons in the present FIR and whether their injuries are grave. There is no need for custody of the present applicant as much as, six accused have already been granted bail. He submitted that the applicant is ready to co-operate with the police.

4. The learned APP submitted that out of the fourteen accused,

two accused are juvenile and at present they are in Remand Home. Four of the accused were arrested, and they have been granted regular bail by the Sessions Court. She submitted that as per the FIR and the documents on record, it shows that it was the accused persons with the present applicant who have entered into the hotel premises of the informant and destroyed the furniture and fixture of the present hotel and physically harm the informant and his family members. They have not even spared the female member from the family of the informant. She submitted that there are criminal antecedents reported at least against four of the accused persons of bodily harming the complainant in those matters. She submitted that if the present applicant is released on pre-arrest bail, there are possibility of the applicant would influence the witnesses. Hence, the application may be rejected.

5. I have heard learned counsel for the applicant and the learned APP for the State. I have also considered the FIR and the documents which are shown to me.

6. There is no dispute that the present applicant and three more accused have antecedents. The crime registered against the present applicant are under Section 324, 143, 147 of the Indian Penal Code.

Few of the said criminal cases are pending. As far as three acquittals are concerned, in these crimes the sections involved are under Sections 307, 325 of the Indian Penal Code and under Sections 3, 4, 25 of the Indian Arms Act. As far as other three accused persons are concerned against whom there are antecedents, viz. as against Matin Kazi (accused no.2), there are six crimes registered against him, and he was extern from the said locality for a period of one year. As against Bilal Kazi (accused no.8), in the present case who has been arrested and granted regular bail, there are two antecedents. As against Shohaib Kazi, there are three antecedents. The learned APP also submitted that as per the report of the concerned police station, it can be seen that the accused persons in the criminal antecedents have together committed the crime. I have gone through the concerned police report dated 25/11/2024 which forms the part of the present application from page 35 to 39. The other accused persons seems to have participated along with the present applicant in Crime No.03/2023.

7. Taking into consideration the fact that the informant and his relatives including female members were beaten badly by the applicant and the other accused. They have sustained injuries and cash around Rs.30,000/- have been forcibly taken away from the

counter of the informant's hotel. The applicant had used knife to threaten the informant and his family members. The present applicant has played key role in commission of the offence. The physical presence of the accused for interrogation is necessary for completion of investigation. Moreover, this is a possibility of the applicant pressurizing and threatening the witnesses and likely to tamper with evidence. Hence, according to me, the present anticipatory bail application deserves to be rejected.

8. The anticipatory bail application stands rejected and disposed of accordingly.

(RAJESH S. PATIL, J.)