



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

ANTICIPATORY BAIL APPLICATION NO. 257 OF 2025

ASIF ABDUL AZIZ JATU AND ORS ...APPLICANTS
VS
STATE OF MAHARASHTRA AND ANR ...RESPONDENTS

**WITH
INTERIM APPLICATION NO.502 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 257 OF 2025**

GULAM GAUS SHABBIR AHMED BADGUZAR ...APPLICANT
IN THE MATTER BETWEEN
ASIF ABDUL AZIZ JATU AND ORS ...APPLICANTS
VS
STATE OF MAHARASHTRA AND ANR ...RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO. 267 OF 2025**

MOHSIN ABDUL AZIZ JATU AND ORS ...APPLICANTS
VS
STATE OF MAHARASHTRA AND ANR ...RESPONDENTS

**WITH
INTERIM APPLICATION NO.503 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 267 OF 2025**

GULAM GAUS SHABBIR AHMED BADGUZAR ...APPLICANT
IN THE MATTER BETWEEN
MOHSIN ABDUL AZIZ JATU AND ORS ...APPLICANTS
VS
STATE OF MAHARASHTRA AND ANR ...RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO. 268 OF 2025**

ABDUL RASHID HAMID JATU
@ RAIS HAMID JATU AND ORS ...APPLICANTS
VS

STATE OF MAHARASHTRA AND ANR

...RESPONDENTS

WITH
INTERIM APPLICATION NO.504 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 268 OF 2025

GULAM GAUS SHABBIR AHMED BADGUZAR ...APPLICANT
IN THE MATTER BETWEEN

ABDUL RASHID HAMID JATU

@ RAIS HAMID JATU AND ANR ...APPLICANTS

VS

STATE OF MAHARASHTRA AND ANR

...RESPONDENTS

...

Adv. Mateen Shaikh a/w Sharif Shaikh, Jammu Shaikh, Muskan Shaikh, Razique Shaikh, Arshad Shaikh Ansar Tamboli, Ejaz Shaikh and Muzammil Shaikh for the Applicant in all ABA.

Adv. Ajay S. Patil, APP for the State.

Adv. Arun Rajput i/b Bilal Motarwala for the Applicant in IA Nos. 502/2025 & 504/2025.

...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 25, 2025

PC.:

INTERIM APPLICATION NO. 502/2025 IN ANTICIPATORY BAIL APPLICATION NO. 257/2025 WITH INTERIM APPLICATION NO. 503/2025 IN ANTICIPATORY BAIL APPLICATION NO. 267/2025 WITH INTERIM APPLICATION NO. 504/2025 IN ANTICIPATORY BAIL APPLICATION NO. 268/2025:-

Interim Applications are filed for intervention by the Informant.

Interim Applications are allowed.

ANTICIPATORY BAIL APPLICATION NO. 257/2025 WITH
ANTICIPATORY BAIL APPLICATION NO. 267/2025 WITH
ANTICIPATORY BAIL APPLICATION NO. 268/2025:-

1. This Court by its order dated 24 February, 2025 had kept the matter today in order to permit the Advocate for the applicants to take instructions from the applicants as regards the shifting of their residence slightly away from the present residence. The order dated 24 February, 2025 for ease of reference is reproduced herein below :

“1. After the matter was argued for some time, Counsel on instructions from their clients submits the matter be taken up tomorrow. Since the clothes and weapons mentioned in the present F.I.R. have been recovered, the only concern now is to ensure that no untoward incidents occur between the parties until the Trial Court hears and decides the matter. Therefore, both parties jointly submit that the Applicants in the present Anticipatory Bail Applications will shift their residence by at least a few meters. Likewise, the Informant and any concerned individuals whom the Applicants may have objections to live near the Informant’s house, will also relocate in the opposite direction by at least a few meters.

*2. The proposal put forth by both parties appears to be fair. Hence, stand over to **25 February 2025.***

3. Interim relief granted earlier to continue till the next date of the hearing.”

2. Mr. Shaikh, learned counsel for the applicants has tendered the affidavit cum undertaking of all the four applicants. The said undertaking is taken on record and marked as ‘X’ for identification. A scanned copy of the undertaking is reproduced herein below :-

X
R.P. 42
25/2/25

ON THE HIGH COURT OF JUDICATURE AT BOMBAY
GOVT. OF INDIA

ANTICIPATORY BAIL APPLICATION NO. 257 OF 2025
ANTICIPATORY BAIL APPLICATION NO. 267 OF 2025
ANTICIPATORY BAIL APPLICATION NO. 268 OF 2025

DISTRICT: THANE

MR. ASIF AZIZ JATU & ORS) ...APPLICANTS
VERSUS)
THE STATE OF MAHARASHTRA & ORS) ..RESPONDENTS

AFFIDAVIT CUM UNDERTAKING

We, 1. Mr. Asif Abdul Aziz Jatu, Age- 35 Years Occ- Service 2. Mr. Nihal Abdul Razzak Jatu, Age- 26 Years, Occ- Business 3. Mr. Zakir Abdul Hamid Jatu Age- 46 Years, Occ- Business 4. Mr. Mohsin Abdul Aziz Jatu Age- 36 Years, Occ- Engineer, Applicants in the above numbered Anticipatory Bail Application, all R/a. 786, Kalyan Road, Near Madina Masjid, Shashtri Nagar, Bhiwandi, do hereby state on solemn affirmation as under:

1. We say we are filing present affidavit cum undertaking as under

2. We say that we are at present residing at 786, Kalyan Road, Near Madina Masjid, Shashtri Nagar, Bhiwandi, Thane along with our family members.

3. We say that we undertake to leave the aforesaid resident till the conclusion of trial and shift ourself along with our family members at new address which is approximately 600 meter away from the existing residential place i. 1699, Flat No. 101, 1st Floor, Wing 'A', Haji Abdul Hamid Complex, Anand Hotel Kalyan Road Bhiwandi Dist- Thane 421302.

4. We say that we are filing this undertaking as per direction of this Honourable Court dated 24/02/2025 in the above numbered Anticipatory Bail Applications.



Signature
Before Me

1. Mr. Asif Abdul Aziz Jatu,
2. Mr. Nihal Abdul Razzak Jatu,
3. Mr. Zakir Abdul Hamid Jatu
4. Mr. Mohsin Abdul Aziz Jatu

DEPONENT

SOLEMNLY AFFIRM ON THIS

24TH DAY OF FEBRUARY, 2025 AT MUMBAI

EXPLAINED AND IDENTIFIED

ADVOCATE FOR THE APPLICANTS

IDENTIFIED
By me
(ADV. TABREJ. CHOUHAN)
MAH / 6429 / 2014

BEFORE ME
KISHOR S. JAIN
B.com. LL.B. Regd. No. 35206
NOTARY GOVT. OF INDIA
1st Floor, Khadak Road,
Bhiwandi-421302 (Thane)

NOTED & REGISTERED

Sr.No. 03 Page No. 01

Date. 24/02/2025

3. As the applicants have tendered their affidavit cum undertaking, this Court also made inquiry with the Advocate Mr. Rajput

for the Informant. He submits that the informant is not ready to change his residence since the informant's brother was seriously injured on his left eye and he has lost his vision of one eye. He further, submits on instructions that in fact, even if the applicant don't change their residence, the informant would have no issues about it but what is more necessary is that the applicants should not engage into an activity of physical assaults against the first informant and his family, that according to him would suffice the purpose of the present anticipatory bail applications.

4. This Court by its order dated 13 February, 2025 directed that the applicants should not indulge into any kind of inducement or threat to any person acquainted with the facts of the case. Further even the Respondent No. 2 (Informant) was directed not to circulate any photograph or videos of the wife of the Applicant No. 1 (Mr. Asif Abdul Aziz Jatu). For ease of reference, the order dated 13 February, 2025 is reproduced herein below:

"1. By consent, all these anticipatory bail applications to come up on board on 18th February, 2025. Matters to come up under the caption of 'Urgent Circulation'.

2. In the meantime, the applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

3. The newly added respondent no.2 should not circulate any photograph or videos of the wife of the applicant no.1 (Mr.Asif Abdul Aziz Jatu) on any social media platform

including WhatsApp.

4. *Ad-interim relief granted earlier to continue till the next date of the hearing.”*

5. This is a matter where cross FIRs have been filed by the applicants and informant against each other. The offences in both the FIRs are more or less identical. The learned APP has already submitted that recovery of the weapons mentioned in the FIR has already been done. In view of the above, according to me there is a *prima facie* case made out to grant the anticipatory bail applications. Hence, I pass the following order.

Order

(i) Anticipatory Bail Applications are allowed.

(ii) The applicants be released on bail in C.R. No. 1272/2024 registered with Bhivandi City Police Station on furnishing PR bond of the sum of Rs. 15,000/- (thirty thousand only) each and one or two sureties each in the like amount to the satisfaction of the jurisdictional Court.

(iii) The applicants shall mark their presence at Bhivandi City Police Station on second Monday of every month between 10.00 am to 12.00 pm until the filing of the chargesheet and thereafter as and when called for by the Investigating Officer.

(iv) The applicants shall not tamper with the prosecution

evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with the facts of the case so as to dissuade them from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicants shall furnish their contact number, E-mail id and residential address to the investigating Officer and shall keep him updated, in case there is any change.

(vi) Respondent No. 2 and his family members should not circulate any objectionable photographs/videos of the wife of applicant no. 1 (Mr. Asif Abdul Aziz Jatu) on any social media platform including WhatsApp/ Facebook/ Instagram/ Twitter.

(vii) If there is breach of any of the aforesaid condition by the applicants, the prosecution will be at liberty to seek cancellation of the applications of bail granted by this Court.

6. It is made clear that the observations made herein are *prima facie* and are for limited purpose for granting the anticipatory bail.

7. **Anticipatory Bail Application is accordingly disposed of.**

(RAJESH S. PATIL, J.)