

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 358 OF 2025

Rajan Sambhaji Shinde

..... Applicant

VERSUS

State of Maharashtra & Anr.

..... Respondents

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 359 OF 2025

Samrat Sunil Hate

..... Applicant

VERSUS

State of Maharashtra & Anr.

..... Respondents

Mr.Sudeep Pasbola, Senior Advocate a/w. Mr.Prarak A. Sharma, Mr. Rohit P. Mahadik i/b. Mr.Prerak A. Sharma for the Applicant.

Mr. Ajay S. Patil, A.P.P. for the State.

Mr. Rahul S. Tiwari for the Respondent No.2.

Mr. Anil B. Jadhav, P.I., Mahim Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : 28th FEBRUARY, 2025

P.C. :-

Anticipatory Bail Application No. 358 of 2025 is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0007 dated 3rd January, 2025 registered with Mahim Police Station,

Brihanmumbai Shahar for the offence punishable under Sections 109, 118(1), 115(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Anticipatory Bail Application No. 359 of 2025 is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0008 dated 3rd January, 2025 registered with Mahim Police Station, Brihanmumbai Shahar for the offence punishable under Sections 109, 118(1), 115(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. In the present proceedings, there are cross FIR filed by the present applicant and the informant. (i) The FIR filed against the present applicant is filed on 3rd January, 2025 morning 3:16 a.m. and (ii) the FIR filed by the present applicant against the informant is at 4:33 a.m. Therefore within a span of less than one hour, two FIRs have been filed.

4. On the last occasion when the matter was called out, there was suggestions from the advocates appearing that both the parties are from the same vicinity and hence they are trying to settle their dispute amicably and they would not like to pursue the matter further.

5. Today before me, the parties have informed that they have settled their dispute amicably and hence affidavit has been filed by both the parties. An affidavit of Mr.Kadiyas Jude David Madliyar dated 26th February, 2025 in Anticipatory Bail Application No. 358 of 2025 has been tendered before me (who is informant in FIR No. 0007 of 2025). The said affidavit is taken on record and marked 'X' for identification. A scanned copy of the said affidavit in FIR No. 0007 is reproduced hereinbelow :-

Coram: Shri Rajesh S. Patil ✓
 Date: 28/02/25
 For Reg. (J)
 R. H. C.
 28/2/2025

IN THE HIGH COURT JUDICATURE AT BOMBAY
 CRIMINAL APPELLATE JURISDICTION
 ANTICIPATORY BAIL APPLICATION NO. 358 OF 2025
 DISTRICT: MUMBAI

Rajan Sambhaji Shinde
 V/s
 The state of Maharashtra and Ors
 ...Respondent No.1

And
 Kadiyas Jude David Madliyar Deponent / Respondent No. 2

AFFIDAVIT OF KADIYAS JUDE DAVID MUDLIYAR

I Kadiyas Jude David Madliyar Age: 34 years, Occupation: Service, residing at Room No. Residing at Room No. 10, Building No. 9B, Dr. Balikanagar Cooperative Housing Society, Jasmine Mill Road, Shahunagar, Mahim (E), Mumbai – 400017 do hereby solemnly affirm and state as under :

1. I say that I have filed the complaint bearing FIR No. 0007 of 2025 against the Samrat Sunil Hate, Rajan Sambhaji Shinde, Yogendra Parke alias Aggy and other unknown person for the offence punishable under section 109, 118(1), 351(3), 189(2), 189(4), 190 and 352 of BNS Act, 2023 at Mahim Police Station.
2. I say that the said complaint was filed by me
3. I say that I have come to know that the above litigation is not going to serve any purpose and it would be the waste of time and money. I say that due to the above reason I wish to give consent to allow ABA in respect of FIR No. 0007 of 2025

ARY
 COURT
 JUDGE
 28/2/25
 28/2/25
 COURT OF INDIA
 JUDGE

filed against the Applicant Rajan Sambhaji Shinde , Samrat Sunil Hate, Yogendra Parke alias Aggy and other unknown person for the offence punishable under section 109, 118(1), 351(3), 189(2), 189(4), 190 and 352 of BNS Act, 2023 at Mahim Police Station.

4. I say that I have carefully read and perused the contents of the present captioned Anticipatory Bail Application. I say that I have no objection if the said Application came to allowed. I hereby consent to the Application to be allowed.
5. I say that the present Affidavit is prepared voluntarily without any pressure and what is stated hereinabove is true to my knowledge and information and I believe the same to be true and correct.

Date : /02/2025

26 FEB 2025



LT impression of
Kadias Jude David

Kadiyas Jude David Madliyar
RESPONDENT NO. 2



6/22

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VERIFICATION

I Kadiyas Jude David Madliyar Age: 34 years, Occupation: Service, residing at Room No. 10, Building No. 9B, Dr. Balikanagar Cooperative Housing Society, Jasmine Mill Road, Shahunagar, Mahim (E), Mumbai - 400017 do hereby state and solemnly affirm that whatever stated in the paragraph no. 1 to 5 are true and correct to the best of my knowledge and I believe the same to be true.

Solemnly Affirmed in Mumbai
Dated of February, 2025
26 FEB 2025

BEFORE ME

LT Impression
Kadiyas J. D.M

Kadiyas Jude David Madliyar

**Executant Has/ Have Signed
in my Presence. I identify
the Signature/s of Party/ies**

Name of Advocate S. Karagani
Signature [Signature]
Enrolment No. Mah/4527/05

BEFORE ME

[Signature] 26/02/2025
DR. T. C. KAUSHIK
ADVOCATE HIGH COURT &
NOTARY, GOVT. OF INDIA
REGD. NO. 309

FLAT NO. 004, BLDG. NO. 11,
VONNE BUILDING, NAHAR AMRIT SHAKTI
NEAR JAIN TEMPLE, CHANDIVALI,
ANDHERI (E), MUMBAI - 400 072

Seen ✓
ID/ Aadhar/ PAN/ DL/ EID
No. XXXX 2151

NOTED & REGISTERED

Sr. No. 1006 Page No. 119

Book No. ONE Date: 26 FEB 2025



6. In the said FIR 0007 of 2025, an affidavit dated 23rd February, 2025 in Anticipatory Bail Application No. 358 of 2025 has been filed by the injured persons i.e. (1) Sayyed Aslam Sayyed Lal and (2) Shaikh Amir Jinnah stating therein that they are not desirous to pursue the matter any further. The said affidavit is taken on record and marked 'X-1' for identification. A scanned copy of the same is reproduced hereinbelow :-

8/22

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Coram Shri Rajesh S. Patil, J. X-1
Date: 08/02/25 8
For Reg. (J) R.P. Patil 28/2/2025

IN THE HIGH COURT JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 358 OF 2025
DISTRICT: MUMBAI

Rajan Sambhaji Shinde ...Applicant
V/s
The state of Maharashtra and Ors ...Respondents
And

1. Sayyed Aslam Sayyed Lal (Injured)
2. Shaikh Amir Jinnah ... Deponents

NOTARY
G.S. SONKAR
Gr. Mumbai
Maharashtra
Reg. No. 10134
Exp. Dt. 8-10-2027
GOVT. OF INDIA

AFFIDAVIT

We 1) Sayyed Aslam Sayyed Lal Age: 28 years, Occupation: Service residing at R No. 348, ½ 90 feet Road, Islamiya Chawl, Tekda Masjid, Dharavi, Mumbai -17 and 2) Shaikh Amir Jinnah, Age : 34 Yrs. Occupation ; Busines, R No. 303 Prathamesh Apartment., Opp Tata Power Matunga Labour Camp , Mumbai – 19 do hereby solemnly affirm and state as under

1. We say that our friend Kadiyas Jude David Madliyar have filed the complaint bearing FIR No. 0007 of 2025 against one Samrat Sunil Hate, Rajan Sambhaji Shinde, Yogendra Parke alias Aggy and other unknown person for the offence punishable under sections 109, 118(1), 351(3), 189(2), 189(4), 190 and 352 of BNS Act, 2023 registered with Mahim Police Station.

8. We say that the said complaint was filed by Kadiyas Jude David Madliyar on the request made by Deponent No. 1 under the anger and grudges against the said Applicant and

S. Patil

other person occurred on the date of incident. we say that on the date of incident due to misunderstanding between the Applicant and other persons a quarrel took place between us.

9. I deponent No. 1 say that at the time of incident I Deponent No. 1 was present when the fight took place. I say that I was injured in the said incident. I further say that in the complaint filed by my friend Kadiyas Jude David Madliyar, it was mentioned that I was beaten with the beer bottle. I further say that there was a fight between us but I was not beaten with beer bottle, I say that there was only a fist and kick blows between us. I say that I have suffered injury but it was of simple nature. I say that I am very much fit and fine.

10. We say that we are not having any grievance against the Samrat Sunil Hate, Rajan Sambhaji Shinde, Yogendra Parke alias Aggy and other unknown persons. we say that we have informed our friend Kadiyas Jude David Madliyar to give no objection to allow the ABA

11. WE say that we have come to know that the above litigation is not going to serve any purpose and it would be the waste of time and money. we say that due to the above reason we have no objection for allowing the present ABA in connection of FIR No. 0007 of 2025 filed against the Applicant i.e., Samrat Sunil Hate, Rajan Sambhaji Shinde, Yogendra Parke alias Aggy and other unknown person for

[Handwritten signature]
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10/22

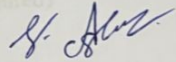
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the offence punishable under section 109, 118(1), 351(3), 189(2), 189(4), 190 and 352 of BNS Act, 2023 at Mahim Police Station

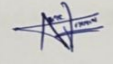
12. We say that we have carefully read and perused the contents of the present captioned Anticipatory Bail Application. we say that we have no objection if the said Application came to allowed. We hereby consent to the Application to be allowed.

13. We say that the present Affidavit is prepared voluntarily without any pressure and what is stated hereinabove is true to my knowledge and information and we believe the same to be true and correct.

Date : /02/2025

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1. Sayyed Aslam Sayyed Lal (Injured)

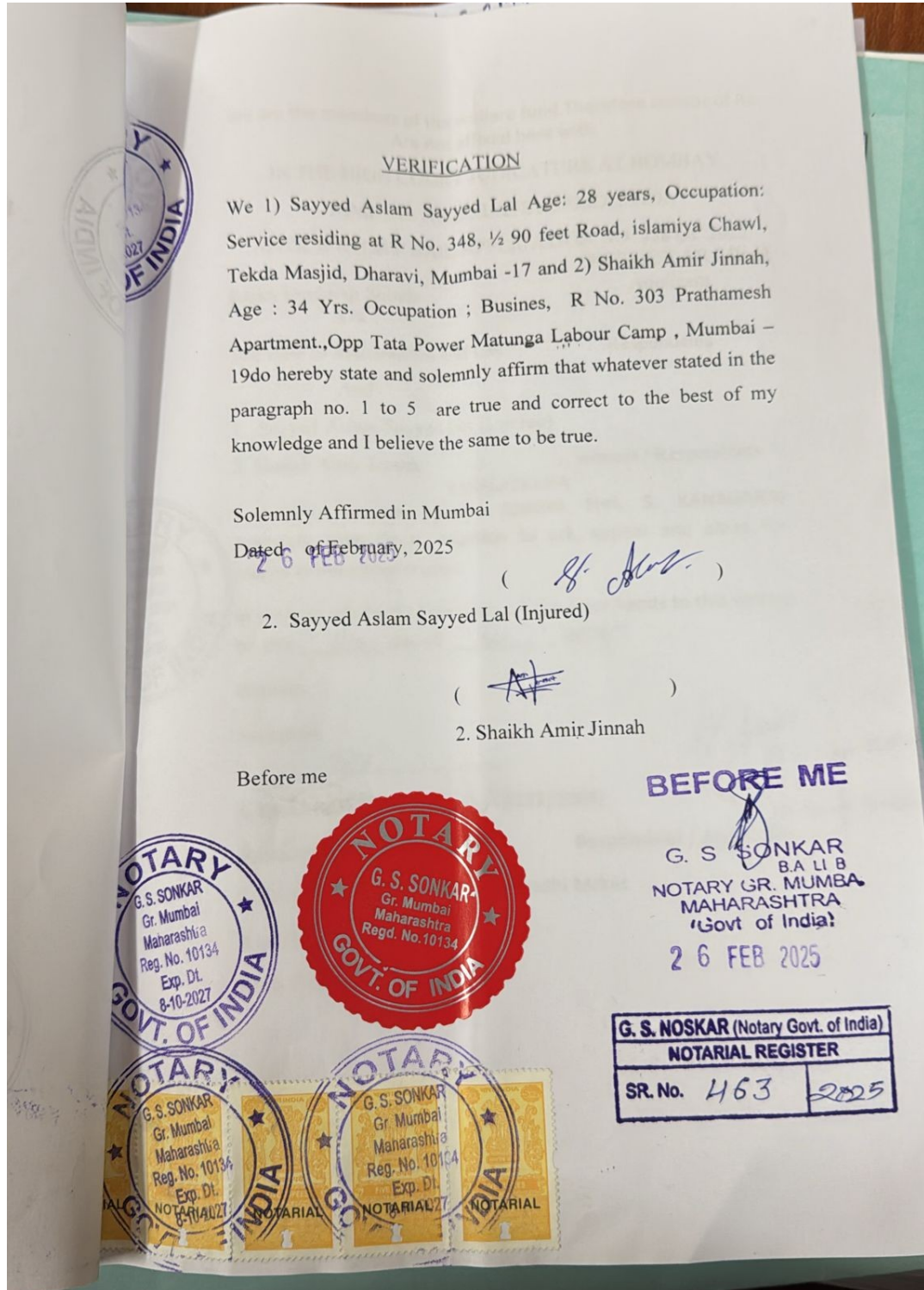
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2. Shaikh Amir Jinnah
Deponents



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7. Similarly the informant Mr.Kadiyas Jude David Madliyar has filed affidavit dated 26th February, 2025 in Anticipatory Bail Application No. 359 of 2025. The said affidavit is taken on record and marked 'Y' for identification. The scanned copy of the same is reproduced hereinbelow :-

Coram: Shri Rajesh S. Patil, J
Ct
Date: 28/2/25
For Reg. (J)
y' R Patil
28/2/2025

IN THE HIGH COURT JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 359 OF 2025
DISTRICT: MUMBAI

Samrat Sunil Hate
V/s
The state of Maharashtra and Ors
And
Kadiyas Jude David Madliyar First Informnt / Deponet

...Applicant
...Respondents No.

AFFIDAVIT OF KADIYAS JUDE DAVID MUDLIYAR

I Kadiyas Jude David Madliyar Age: 34 years, Occupation: Service, residing at Room No. Residing at Room No. 10, Building No. 9B, Dr. Balikanagar Cooperative Housing Society, Jasmine Mill Road, Shahunagar, Mahim (E), Mumbai – 400017 do hereby solemnly affirm and state as under :

1. I say that I have filed the complaint bearing FIR No. 0007 of 2025 against the Samrat Sunil Hate, Rajan Sambhaji Shinde, Yogendra Parke alias Aggy and other unknown person for the offence punishable under section 109, 118(1), 351(3), 189(2), 189(4), 190 and 352 of BNS Act, 2023 at Mahim Police Station.
2. I say that the said complaint was filed by me
3. I say that I have come to know that the above litigation is not going to serve any purpose and it would be the waste of time and money. I say that due to the above reason I wish to givr

COURT OF
Appellate

NOC for allow the ABA filed by the applicant in respect of FIR No. 0007 of 2025 filed against the Applicant Samrat Sunil Hate, Rajan Sambhaji Shinde, Yogendra Parke alias Aggy and other unknown person for the offence punishable under section 109, 118(1), 351(3), 189(2), 189(4), 190 and 352 of BNS Act, 2023 at Mahim Police Station.

4. I say that I have carefully read and perused the contents of the present captioned Anticipatory Bail Application. I say that I have no objection if the said Application came to allowed. I hereby consent to the Application to be allowed.
5. I say that the present Affidavit is prepared voluntarily without any pressure and what is stated hereinabove is true to my knowledge and information and I believe the same to be true and correct.

Date : /02/2025

26 FEB 2025



Kadiyas Jude David Madliyar
RESPONDENT NO. 2



15/22

VERIFICATION

I Kadiyas Jude David Madliyar Age: 34 years, Occupation: Service, residing at Room No. 10, Building No. 9B, Dr. Balikanagar Cooperative Housing Society, Jasmine Mill Road, Shahunagar, Mahim (E), Mumbai - 400017 do hereby state and solemnly affirm that whatever stated in the paragraph no. 1 to 5 are true and correct to the best of my knowledge and I believe the same to be true.

26 FEB 2025

Solemnly Affirmed in Mumbai

Dated ²⁶ of February, 2025**26 FEB 2025**

BEFORE ME



L H component of
Kadiyas J. D. M.

ant Has/ Have Signed
Presence. I identify
nature/s of Party/ies

Advocate S. Karanagari

Signature by me
No. Mah 452716

26 FEB 2025**BEFORE ME**

Signature
DR. T. G. KAUSHIK
ADVOCATE HIGH COURT &
NOTARY, GOVT. OF INDIA
REGD. NO. 309
FLAT NO. 904, BLDG. NO. 11,
JONNE BUILDING, NAHAR AMRIT SHAKTI
NEAR JAIN TEMPLE, CHANDIVALI,
ANDHERI (E), MUMBAI - 400 072

S. Karanagari
NW for Rem no. 2

NOTED & REGISTEREDSr. No. 1007 Page No. 119Book No. ONE Date: **26 FEB 2025**

Seen
ID/ Aadhar/ PAN/ DL/ EID
No. XXXX 2151



8. Similarly, the injured persons i.e. (1) Sayyed Aslam Sayyed Lal and (2) Shaikh Amir Jinnah have also filed their affidavit dated 26th February, 2025 stating therein that they don't have any objections if the present application is allowed.

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Coram: Shri Rajesh S. Patil, J. Y-1' R. Patil 28/02/2025.

Date: 28/02/25 For Reg. (J)

IN THE HIGH COURT JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 359 OF 2025
DISTRICT: MUMBAI



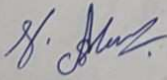
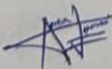
Samrat Sunil Hate ... Applicant
V/s ... Respondents
The state of Maharashtra and Ors
And
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2. Shaikh Amir Jinnah ... Deponents

AFFIDAVIT

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2. We say that the said complaint was filed by Kadiyas Jude David Madliyar on the request made by Deponent No. 1

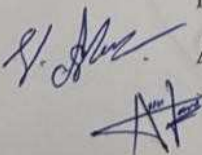
 

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under the anger and grudges against the said Applicant and other person occurred on the date of incident, we say that on the date of incident due to misunderstanding between the Applicant and other persons a quarrel took place between us.

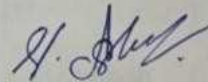
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5. WE say that we have come to know that the above litigation is not going to serve any purpose and it would be the waste of time and money. we say that due to the above reason we have no objection for allowing the present ABA in connection of FIR No. 0007 of 2025 filed against the Applicant i.e., Samrat Sunil Hate, Rajan Sambhaji Shinde,



Yogendra Parke alias Aggy and other unknown person for the offence punishable under section 109, 118(1), 351(3), 189(2), 189(4), 190 and 352 of BNS Act, 2023 at Mahim Police Station

6. We say that we have carefully read and perused the contents of the present captioned Anticipatory Bail Application. we say that we have no objection if the said Application came to allowed. We hereby consent to the Application to be allowed.
7. We say that the present Affidavit is prepared voluntarily without any pressure and what is stated hereinabove is true to my knowledge and information and we believe the same to be true and correct.

Date : /02/2025

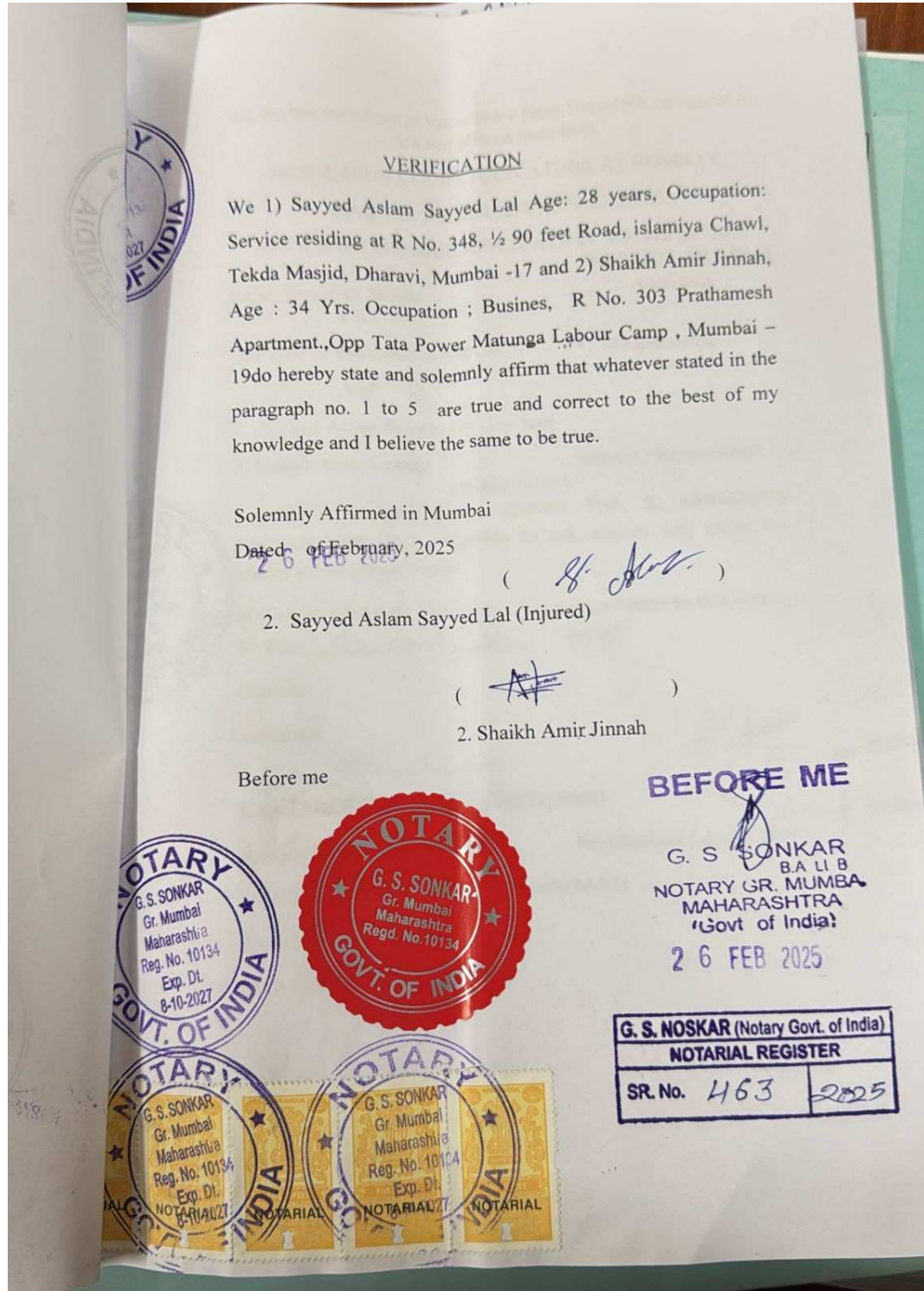
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1. Sayyed Aslam Sayyed Lal (Injured)

()

2. Shaikh Amir Jinnah
Deponents





7. Since the parties do not desire to proceed further in the matter, the learned A.P.P. submits that then both the anticipatory bail applications can be granted. Hence, the following orders :-

ORDER

- (a) **The anticipatory bail applications are allowed.**
- (b) In the event of arrest in connection with FIR Nos. 0007 and 0008 dated 3rd January, 2025 registered with Mahim Police Station, Brihanmumbai Shahar for the offence punishable under Sections 109, 118(1), 115(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- each with two or more sureties of the like amount.
- (c) The applicants shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station, as and when called.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicants shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

8. The anticipatory bail applications are disposed of.

[RAJESH S. PATIL, J.]