

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1219 OF 2025

Rashid Ajij Ahmed Shaikh *...Applicant*

Versus

The State of Maharashtra *...Respondent*

.....
Mr. Tanveer Patel for the Applicant.

Ms. R.S. Tendulkar, APP for the Respondent-State.
.....

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd JUNE, 2025
(VACATION COURT)

P.C. :-

1. Heard Mr. Tanveer Patel, learned Advocate for the Applicant and Ms. R.S. Tendulkar, learned APP for the Respondent-State.

2. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**"), the Applicant is seeking bail in anticipation in connection with crime registered by the Shivaji Nagar Police Station under C.R.

No. I-277 of 2025 for the offences punishable under Section 118(2) of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”).

3. Case of the prosecutions is that the Applicant assaulted on the chest, abdomen, both the hands of the informant by means of blade of iron scissor and caused grievous hurt on account of suspecting illicit relation with his wife.

4. Criminal Bail Application No.864 of 2025 filed by the Applicant before the Additional Sessions Judge Kalyan, Thane, was dismissed on 21.04.2025.

5. Mr. Tanveer Patel, learned Advocate for the Applicants submits that though the FIR makes a reference to the Applicant using a blade of iron scissor and assaulting the Applicant on chest, abdomen and both the hands, however, it is now revealed from the Injury Certificate that the injuries are simple in nature. He further submits that the weapon used has been recovered from the spot. He, therefore, submits that the custodial interrogation of the Applicant in the facts and circumstances of the present case, moreso, when the injury is

simple in nature, would not be warranted.

6. Ms. Tendulkar, learned APP for the Respondent-State submits that the weapon used by the Applicant is a deadly weapon and the place where the weapon was used is a vital part of the body. She submits that the intention of the Applicant as revealed from the investigation was with knowledge and intention that the said assault would result in grievous hurt to the Informant. She submits that the Complainant has suffered multiple injuries in an around the abdomen and the chest region. She submits that the custody of the Applicant is required for the investigation. She submits that the Applicant is absconding.

7. I have given due consideration to the arguments advanced by the learned Advocates and gone through the records with the able assistance of the learned Advocates.

8. Role of the Applicant in the above said crime is specifically spelt out in the FIR. Use of a deadly weapon and the same being used on the vital part of the body of the Complainant is also referred in the FIR. Complainant has

suffered injuries in the region of the body, which can be said to be the vital part of body.

9. In view of the specific role attributed to the Applicant, merely because the Injury Certificate records the nature of injuries as simple, cannot come to the aid of the Applicant.

10. In view of the above, I find that this is not a fit case for grant of pre-arrest Bail. Hence, **Anticipatory Bail Application No.1219 of 2025 is dismissed.**

[ASHWIN D. BHOBE, J.]