

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1422 OF 2025

Shafiq Sallan Ali Sayyed & Ors. *...Applicants*

Versus

The State of Maharashtra & Anr. *...Respondents*

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Mr. Adnan Shaikh a/w Mr. Drishti Khurana, Zenjurists, for the Applicant.

Ms. Prajakta Shinde, APP for the Respondents-State.

Mr. PM. Bhansali a/w Ms. Rajlaxmi Punjabi, for the Respondent No.2.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd JUNE, 2025
(VACATION COURT)

P.C. :-

1. Heard Mr. Adnan Shaikh, learned Advocate for the Applicants, Ms. Prajakta Shinde, learned APP for the Respondent-State and Mr. PM. Bhansali, learned Advocate for the Respondent No.2.

2. By the present Application under Section 482 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**"), the Applicants are seeking pre-arrest Bail in connection with C.R. No.213 of 2025 registered with the Goregaon Police Station, Mumbai for the offences punishable under Section 118(2), 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**").

3. Case of the Complainant is that on 01.04.2025 at about 12.30 midnight, the Applicants have assaulted the son of the Respondent No.2. As per the crime, the assault is by use of fist blows and by use of bat. Medical Report in the present crime indicates injuries of grievous nature.

4. Applicants filed Anticipatory Bail Application No.611 of 2025 before the learned Sessions Court, Dindoshi, Mumbai, which was rejected on 08.05.2025.

5. Mr. Shaikh, learned Advocate for the Applicants states that the offence as alleged is not a serious offence and it was out of an altercation, whereby the Applicants were provoked. He further states that the provocation was on account of trespass by the Respondent No.2, his nephew and others in the

property of the Applicants. He submits that the incident as alleged in the said crime is a result of an act, which can be termed as exercise of the right to private defence by the Applicants. On the basis of the same, he submits that the custodial interrogation of the Applicants is not required.

6. Ms. Prajakta Shinde, learned APP for the Respondent-state submits that the involvement of the Applicants is clearly established from the complaint. Weapon used in the crime has resulted in causing grievous injuries to the victim. She submits that the Applicants are absconding. She submits that the matter is required to be investigated thoroughly. Recoveries are yet to be made.

7. Mr. P.M. Bhansali, learned Advocate for the Respondent No.2 states that there was no cause for the Applicants to assault the Respondent No.2 and the persons accompanying the Respondent No.2. On account of the assault, the Respondent No.2 has suffered serious grievous injuries. She submits that the Applicants are capable of repeating the said offence. She, therefore, opposes grant of Bail to the

Applicants.

8. 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.

9. From the nature of allegations, involvement of the Applicants in the crime is prima facie established. Injuries caused to the victim arising out of the incident are grievous in nature. Applicants are said to be absconding. Prosecution requires custody of the Applicants for further investigation and for recovery of the weapon used in the offence.

10. In view of the above, I do not find the present case a fit case for enlarging the Applicants on Anticipatory Bail.

11. In view of the above, **Anticipatory Bail Application No.1422 of 2025 is dismissed.**

[ASHWIN D. BHOBE, J.]