

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

Anticipatory Bail Application No. 2127 of 2025

Shoukat Shanur Shaikh

Age 32 years, Occ. Business,

R/at : Nandani, Taluka Barshi,

District Solapur.

(Accused No.1 in C.R. No.184/2025)

... Applicant

versus

The State of Maharashtra

Through Vairag Police Station,

Taluka Barshi, District Solapur.

...Respondent

with

Anticipatory Bail Application No. 2128 of 2025

Shanur Valli Shaikh

Age 55 years, Occ. Business,

R/at : Nandani, Taluka Barshi,

District Solapur.

(Accused No.2 in C.R. No.184/2025)

... Applicant

versus

The State of Maharashtra

Through Vairag Police Station,

Taluka Barshi, District Solapur.

...Respondent

Mr Abhijit D Kulkarni a/w Mr Prasad Bade, for the Applicant.

Mr Arfan Sait, APP, for the Respondent / State.

HC 1560 Jayant Sudhakar Pethkar, Vairag Police Station,
Solapur Rural, is present.

Coram: R.N. Laddha, J.

Date: 31 July 2025

P.C.:

By these applications, the applicants seek pre-arrest bail in connection with CR No.184 of 2025, registered at Vairag Police Station, Solapur Rural, for the offences punishable under Sections 74,75, 119, 351(2), 351(3) read with 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. According to the prosecution's case, the applicants, along with the co-accused, physically assaulted the informant, her son, and one Sunita Pawar with fist and kick blows. It is further alleged that during the course of this altercation, the assailants pulled the informant's scarf, and in the midst of the scuffle, applicant Shanur snatched a gold chain from the informant's neck.

3. The learned Counsel for the applicants submits that the cross FIR, which is prior in point of time, was filed by a family member of the applicants. The alleged incident is said to have taken place on 1 June 2025, whereas the present FIR was registered on 4 June 2025, two days after the filing of the earlier cross FIR against the present informant. This sequence of events raises concern regarding the genuineness and timing of the present FIR. It is further contended that the dispute in

question arise out of a business transaction between the informant and the applicants, suggesting a possible motive for the belated filing of the FIR. The learned Counsel also submits that the investigation in the present matter has been concluded and the applicant's custodial interrogation is unwarranted.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, submits that offence is of a grave and serious nature, particularly as it has been committed against a woman. Nevertheless, the learned APP fairly acknowledges that the investigation is at an advanced stage and nearing completion.

5. Upon perusing the records, it is evident that there is an inordinate delay of three days in registration of the present FIR. The underlying dispute appears to be primarily of a business transaction, and that a cross FIR has already been filed by the opposing party against the present informant, two days prior to the lodging of the the instant FIR.

6. With respect to the specific allegation that the applicant, Shanur, forcibly snatched a gold chain from the neck of the informant, it *prima faice* appears that this claim lacks independent corroboration from the purported eyewitnesses.

Furthermore, the allegation concerning the pulling of the scarf appears to be incidental, having occurred amidst a scuffle, rather than being an act of deliberate intent.

7. It is also pertinent to note that there is no assertion of any weapon being used by the applicants during the alleged assault. The learned APP candidly acknowledges that the investigation in the present matter is substantially complete.

8. Considering the nature of the allegations, the absence of weapon used, the delayed filing of the FIR, and the near completion of investigation, this Court finds it just and proper to allow the present applications. Accordingly, the applications are hereby allowed on the following terms.

(i) In the event of the applicants' arrest in CR No.184 of 2025, registered at the Vairag Police Station, Solapur Rural, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required by the investigating officer and

cooperate with the investigation.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence witnesses.

9. The application stands disposed of accordingly.

(R.N. Laddha, J.)