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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2484 OF 2025

Shaikh Aslam Shaikh Nazeer	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Mujahid Ansari, Advocate for Applicant.
Mr. A.R. Metkari, APP for the State.
API, Mr. Dnyaneshwar Thorat, Malegaon City Police Station.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th September 2025

P.C.:

1. Heard Mr. Ansari, learned Counsel appearing for the Applicant and Mr. Metkari, learned APP for the State.

2. The Applicant is seeking pre-arrest bail in connection with C.R. No.289 of 2024, registered with Malegaon City Police Station, District-Nashik for the offences punishable under Sections 109(1), 118(2), 189(2), 189(4), 190, 191(3), 351(3), 352, 238 of the Bharatiya Nyaya Sanhita, 2023 (“**B.N.S.**”).

3. As per the prosecution case, the incident took place on 24th November 2024 at about 7.30 p.m.. The Informant and his other

relatives were waiting for auto-rickshaw near the house of his maternal uncle, and at that time all the Accused, who are known to the First Informant- Shaikh Arbaz Shaikh Hamid assaulted him by means of sharp edged weapon. It is further case of the prosecution that Accused- Wasim Shaikh Ismail assaulted the Informant with sharp weapon and Accused- Shaikh Akram Shaikh Khatik assaulted the First Informant on his back with iron rod and Accused-Shaikh Aslam Shaikh Nazeer i.e. the present Applicant threatened the informant that they would kill the informant by firing a bullet. It is further alleged that all the Accused assaulted the First Informant by first and kick blows and abused and threatened him.

4. The medical papers shows that the injury is on very vital part of the body i.e. head. There are about 9 antecedents against the Applicant. The details of the same are set out in paragraphs 10 and 11 of the Order dated 24th June 2025 passed by the learned Additional Sessions Judge, Malegaon, District-Nashik in Bail Application No. 431 of 2025 filed by the present Applicant. The said paragraphs read as under :

“10. The photographs and medical papers submitted by the learned Advocate for informant alongwith application at Exh-7 *prima facie* shows that the injured has sustained injuries on head and other parts of his body. The injuries appears to be severe injuries. In the say of I.O., he has given the list of crimes registered against the applicant-accused. It is as under :

Sr. No.	Name of Police Station	C.R. No.	Sections
1.	Malegaon City	87/2023	386, 387, 143, 147, 148, 149 r/w 4/25 of Indian Arms Act.
2.	Pawarwadi	23/2023	326, 324, 506 r/w 34 of IPC.

11. In the written say of informant at Exh.6, he has given the list of crimes registered against the applicant-accused. It is as under:

Sr. No.	Name of Police Station	C.R. No.	Sections
1.	Chavani	280/2016	457, 380 of IPC
2.	Malegaon City	78/2018	324, 504, 506 of IPC
3.	Ramjanpura	01/2023	12(A) of Maharashtra Prevention of Gambling Act
4.	Pawarwadi	23/2023	326, 324, 506 r/w 34 of IPC.
5.	Malegaon City	87/2023	387, 386, 143, 147, 148, 149 120b, 427 of IPC, Section 4/25 of Indian Arms Act and 37(1)(3) of Bombay Police Act.
6.	Ramjanpura	40/2023	3/25 of Arms Act
7.	Ayeshanagar	98/2024	118(1), 115(2), 351(2), 352, 3(5) of the B.N.S.

5. The Supreme Court in the case of **Nikita Jagannath Shetty alias Nikita Vishwajeet Jadhav Vs. State of Maharashtra**¹ has held

¹ (2025) SCC OnLine SC 1489

that the anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further held that the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

6. The position on record shows that the Applicant has played major role in the crime. There are about 9 antecedents against the Applicant.

7. It is the submission of Mr. Ansari, learned Counsel for the Applicant that the antecedents need not be taken into consideration at the time of considering the anticipatory bail application. However, as noted hereinabove, the anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence

of this extraordinary remedy to a person accused of grave offences. Thus, what the Supreme Court reiterated is that the High Court while exercising the jurisdiction to grant anticipatory bail application has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.

8. In the facts and circumstances of this case, and on the above parameters laid down by the Supreme Court, no case is made out for grant of anticipatory bail application. Accordingly, the Anticipatory Bail Application is dismissed.

(MADHAV J. JAMDAR, J.)