

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3275 OF 2025**

Ajaj Beg Ajij Beg	...Applicant
<i>Versus</i>	
Mohammad Salim Mohammad Najir & Anr.	...Respondents

Mr. Ramesh Dube-Patil a/w. Mr. Ankit Patil i/b. Mr. Ejaaz Shaikh,
for the Applicant.

Mr. Rameshwar Gite a/w. Ms. Siddhi Dawne, for the Respondent
No.1.

Ms. S. M. Yadav, APP, for the Respondent No.2-State.

Mr. Yogesh Ghorpade, PI, attached to Azad Nagar Police Station,
Malegaon, Nashik Rural, Nashik, present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 27th NOVEMBER 2025**

PC:-

1. Heard Mr. Dube-Patil, learned Counsel appearing for the Applicant, Mr. Gite, learned Counsel appearing for the Respondent No.1 and Ms. Yadav, learned APP appearing for the Respondent No.2-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.154 of 2025 registered with Azad Nagar

Police Station, Malegaon, Nashik Rural, Nashik, for the offences punishable under Sections 109, 311, 189(2), 191(2), 191(3), 190, 115(2), 118(1) of the Bharatiya Nyaya Sanhita, 2023 (“**BNSS**”) and Sections 37(1)(c) and 135 of the Maharashtra Police Act, 1951.

3. As per the prosecution case, the First Informant is the Member of Samajwadi Party (formerly known as “Janata Dal”) and the Applicant i.e. accused No.1 in subject C.R. No.154 of 2025 is the President of Congress Party. The incident has taken place as per the subject FIR outside the office of Congress Party. As per the prosecution case, the Applicant who is the President of the Congress Party and about 11 other accused including 6 unknown persons assaulted the First Informant and others. As per the prosecution case, the Applicant assaulted the First Informant by using iron pipe.

4. It is the submission of Mr. Dube-Patil, learned Counsel appearing for the Applicant that while giving interview on TV channel, the Applicant has used some objectionable remarks against the President of the Samajwadi Party and therefore,

members of the Samajwadi Party have threatened that they would blackened the face of the present Applicant. It is his submission that immediately the present Applicant has tendered apology for the said remarks. In spite of that, as the members of the Samajwadi Party threatened that the face of the present Applicant would be blackened by throwing ink and cow dung and therefore, police have given notice under Section 169 of the BNSS to about 6 activists of Samajwadi Party including the present Respondent No.1 i.e. the First Informant. He submits that in fact, about 17 members of Samajwadi Party by wearing red cap and scarf of the party have entered the office of the Congress Party and assaulted the present Applicant and others and in the said attack, present Applicant and others have been injured. He submits that the said incident took place on 4th October 2025 at about 05:15 p.m. and the FIR concerning the same has been lodged on 5th October 2025 at about 07:31 a.m. with the Azad Nagar Police Station, Malegaon, Nashik Rural, Nashik. He submits that the subject FIR is also concerning the same incident which has allegedly taken place at about 06:00 p.m. on 4th October 2025 and the subject C.R. has been lodged at about 02:22 a.m. on 5th October 2025. He submits that the FIR which is lodged against the present Applicant is false

FIR and as a result of political enmity. He submits that although there are about twelve antecedents against the Applicant, as the Applicant is political activist and since 1998, he is Corporator and therefore, false cases are registered against him. He submits that out of 12 cases, the Applicant has been acquitted in 9 cases and one is N.C. complaint. He submits that 2 cases are of the year 2022 and 2025 and the same are pending. He further submits that in fact, due to threats to his life, police protection has been given to him and the Police Constable was present when the incident took place. He submits that in fact, the members of Samajwadi Party assaulted the Applicant and others from the Congress Party and therefore, the incident took place.

5. On the other hand, Ms. Yadav, learned APP strongly opposed the Anticipatory Bail Application. She submits that serious offence is committed and therefore, it is necessary that custodial interrogation of the Applicant is required to be carried out. She submits that the First Informant and two other injured have suffered grievous injuries and one of the injured was in the hospital for about one month. She submits that there is CCTV installed in the office of the Congress Party and the said CCTV

footage is required for the investigation which the Applicant is opposing to handover.

6. Mr. Gite, learned Counsel appearing for the Respondent No.1-First Informant strongly opposes the Anticipatory Bail Application. He submits that the Applicant is habitual offender. He submits that as the President of Congress Party, it was the duty of the Applicant to prevent the crime and at his instigation and active participation, the crime has been committed, wherein 3 persons have been grievously injured. He submits that as the Applicant has assaulted the injured with iron pipe on the head of one of the injured. He submits that as the Applicant has assaulted one of the injured on vital part of the body, in fact, the intention was to commit the murder and therefore, the custodial interrogation of the Applicant is absolutely necessary. He further submits that the injured was in hospital for about more than one month and therefore, the Anticipatory Bail Application be dismissed.

7. Perusal of the record shows that the Applicant in his capacity as President of Congress Party gave interview on TV and some objectionable remarks were made by him against the President of

the Samajwadi Party. Thereafter, the Samajwadi Party started agitating against the Applicant and the Applicant tendered unconditional apology for the said remarks. In spite of the same, the members of the Samajwadi Party have threatened that face of the Applicant would be blackened by throwing ink and cow dung and therefore, Notice under Section 169 of the BNSS, 2023 has been issued to various activists of the Samajwadi Party including the First Informant.

8. The incident in question has occurred on 4th October 2025. As per the subject FIR i.e. C.R. No.154 of 2025, the incident has happened at about 06:00 p.m. on 4th October 2025 wherein when the First Informant and the other activists of the Samajwadi Party were near the office of the Congress Party, the Applicant and the other activists of the Congress Party assaulted the First Informant and other activist of the Samajwadi Party. As per the allegation as contained in the FIR, the Applicant has assaulted one Imran Ahmed Jamal Ahmed by iron pipe and the said assault was on the head therefore, said Imran Ahmed Jamal Ahmed was admitted in Faran Hospital from 4th October 2025 to 15th November 2025.

9. It is relevant to note that there is a cross FIR filed of the same incident being C.R. No.155 of 2025 registered at Azad Nagar Police Station, Malegaon, Nashik Rural, Nashik under Sections 115(2), 118(1), 189 (1), 190, 191(2), 191(3), 309 (6), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 37(1)(c) and 135 of the Maharashtra Police Act, 1951. As per the said C.R. No.155 of 2025 about 17 activists of the Samajwadi Party have entered the office of the Congress Party and assaulted the Applicant and others. The motive for committing the said crime as per the said FIR is that the Applicant has made some objectionable remarks in the said interview against the President of the Samajwadi Party.

10. Ms. Yadav, learned APP submitted that in the subject C.R. i.e. C.R. No.154 pf 2025, two accused have been arrested and in said C.R. No.155 of 2025, 3 accused have been arrested.

11. Thus, it is clear that very significant factor which is required to be taken into consideration is that as per contention of the First Informant the incident has taken place outside the office of the Congress Party and that the office of the Samajwadi Party is at

about 3 kms. away from the said place. As per the counter FIR filed being C.R. No.155 of 2025, the incident took place in the office of the Congress Party as the activists of the Samajwadi Party have entered into the office of the Congress Party and assaulted the Applicant and others. Thus, one significant factor which is required to be taken into consideration is that the activists of the Samajwadi Party including the injured were found near the office of the Congress Party. This is very relevant as admittedly some objectionable remarks were made by the Applicant against the President of the Samajwadi Party and the Samajwadi Party started agitation against the Applicant and threatened that his face would be blackened by throwing ink and cow dung and for preventing the same the police have issued Notice under Section 169 of the BNSS, 2023 on 23rd September 2025.

12. It is the contention of learned Counsel appearing for the Applicant that police protection has been given to the Applicant due to the said threats. It is the contention raised by the State of Maharashtra before the learned Additional Sessions Judge that, no such security was provided but as the threats were given by the activists of Samajwadi Party against the Applicant a Shadow

Watcher was appointed. The contention raised by the police is that during the relevant period when the assault took place, the said Shadow Watcher i.e. Police Constable had gone for taking tea.

13. Ms. Yadav, learned APP submitted that the Applicant is not cooperating with the investigation. Mr. Dube-Patil, learned Counsel submits that the Applicant will cooperate with investigation.

14. Accordingly, in the facts and circumstances, case is made out for grant of Anticipatory Bail by imposing stringent conditions. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant-Ajaj Beg Ajij Beg in connection with C.R. No.154 of 2025 registered with the Azad Nagar Police Station, Malegaon, Nashik Rural, Nashik, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the Azad Nagar Police

Station, Malegaon, Nashik Rural, Nashik on 4th December 2025 and 5th December 2025 between 11:00 a.m. to 02:00 p.m. The Applicant shall handover the CDR of CCTV footage in respect of CCTV installed at the Congress Office to the Investigating Officer. In addition, the Applicant shall attend the Azad Nagar Police Station, Malegaon, Nashik Rural, Nashik on every Sunday between 11:00 a.m. to 02:00 p.m. till filing of the chargesheet and shall cooperate with the investigation.

- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the
Complainant or any witness in any manner.

15. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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signed by
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