

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3394 OF 2025**

Saddam Rauf Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tejas P. Hartalkar, for the Applicant.

Ms. S. K. Gajre, APP, for the Respondent-State.

Mr. Deepak Vasantao Tonde, PSI, attached to Bhadrakali Police Station, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 10th DECEMBER 2025

PC:-

1. Heard Mr. Hartalkar, learned Counsel appearing for the Applicant and Ms. Gajre, learned APP appearing for the Respondent-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.I-373 of 2025 registered with Bhadrakali Police Station, Nashik, for the offences punishable under Sections 308(3) and 311 of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is set out in paragraph No.2 of the order dated 14th November 2025 passed by the learned Additional Sessions

Judge-6, Nashik in Criminal Bail Application No.1994 of 2025, which reads as under:

“2. Informant is 29 years old doing business of selling clothes on the cart put on the road at Shalimar, Nashik, along with other persons. The said place for business is the road and not belonging to any individual person therefore, there are always quarrels taking place for putting the stall for sale of clothes. The informant knows the present applicant Saddam as well as other several persons with applicant are also named by the informant, who are always having quarrel on putting the stall. There is also demand of extortion of money for allowing them to put the stall. In this background on 20.10.2025 in the afternoon at about 01:00 pm at Nepali corner, Shalimar, Nashik there was crowd for purchasing of woollen cloths. Accused Ayan and Ganesh Shelar also have their shops and they had a quarrel. The informant who is injured went to release their quarrel, when the other accused persons came in a group also participated in the quarrel. The informant was injured by sharp weapon used by accused Ayan who assaulted on the head. The complaint clearly mentions that present applicant along with several other co-accused had arrived at the spot for causing assault in the quarrel. They also got involved due to previous quarrels between them.”

4. It is the submission of Mr. Hartalkar, learned Counsel appearing for the Applicant that the Applicant was merely present when the incident in question took place. Even as per the prosecution case, the Applicant has not played any role in the crime. He submits that there are no antecedents against the Applicant.

5. On the other hand, Ms. Gajre, learned APP appearing for the Respondent-State strongly opposes the Anticipatory Bail Application. She submits that there are total 20 accused, 13 accused have been arrested and 12 accused have been released on regular bail and 1 accused is in custody and 2 accused have been granted pre-arrest bail. She submits that the offence is very serious and the Applicant is involved in the crime which is of extortion. However, on instructions, she submits that there are no antecedents against the Applicant.

6. Perusal of the record shows that the incident in question has taken place on account of dispute regarding place where to put up stall on road for sale of clothes. As per the FIR, the Applicant was present at the spot. It is also correct that the FIR also mentions about extortion. However, there are total 20 accused, 13 accused have been arrested and 12 accused have been released on regular bail and 1 accused is in custody and 2 accused have been granted pre-arrest bail.

7. Accordingly, the case is made out for grant of Anticipatory Bail by imposing certain conditions. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant-Saddam Rauf

Shaikh in connection with C.R. No.I-373 of 2025 registered with the Bhadrakali Police Station, Nashik, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.35,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the Bhadrakali Police Station as and when called by the Investigating Officer and shall co-operate 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.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]