



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.260 OF 2025
(Sheikh Faizal @ Monu Shaikh Ashraf Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.V. Navlani, Advocate for the applicant.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.347/2024 registered with Police Station Nagpuri Gate, Amravati, District Amravati for the offence punishable under Sections 109(1), 115(2), 189(2), 189(4), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, 1951 and Sections 3, 25 and 27 of the Arms Act, 1959, the applicant approached to this Court for grant of anticipatory bail.

2. Learned Counsel for the applicant submitted that the informant and the other prosecution witnesses were aggressors. They came at the house of the present applicant and used the fire arms in which one of the prosecution witness has sustained the injuries and to give a counter blast to the said FIR which was filed by the present applicant this false FIR is lodged against him. He submitted that criminal law was set in motion on the basis

of information supplied by the informant by name Abdul Jahir who alleged that six months prior to the incident he had given hand loan of Rs.50,000/- to one Sheikh Samir. Thereafter on 15/09/2024 during afternoon hours at 3:30 when the brother of informant went to the square near to Chandni square at that time, Samir Sheikh and his younger brother, i.e. the present applicant, came there and initiated quarrel on the count and they beat the brother of informant Talib by means of pipe. It is further alleged that present applicant has assaulted by means of iron rod on his head, and therefore, he sustained the injuries. On the basis of the said report, police have registered the crime against the present applicant. He further submitted that considering the fact that it was the informant and other prosecution witnesses who were aggressors and used the fire arms and in the said scuffle some of the prosecution witnesses may have sustained the injuries but present applicant was not involved in the said crime. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application and submitted that in the scuffle present applicant used the weapon like iron rod and caused the head injury to the injured, and therefore, his custodial interrogation is required.

4. I have heard learned Counsel for both the parties. On perusal of the investigation papers it reveals

that the allegation against the present applicant is that he has assaulted the brother of the informant by means of iron rod. Said brother of the informant is immediately taken to the district hospital, Amravati but no injuries are noted by the Medical Officer in the district hospital, Amravati. Thereafter he was taken at Suyash hospital which is a private hospital wherein also no injuries are noted by the medical practitioner who is working in the private hospital. Thus, at this stage, there is no document on record to show that the brother of the informant has sustained any injury in the said incident. Considering the fact that cross-complaints are filed against each other. The informant and the other prosecution witnesses were the aggressors, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Sheikh Faizal @ Monu Shaikh Ashraf in connection with Crime No.347/2024 registered with Police Station Nagpuri Gate, Amravati, District Amravati for the offence punishable under Sections 109(1), 115(2), 189(2), 189(4), 191(2), 191(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Maharashtra Police Act, 1951 and

Sections 3, 25 and 27 of the Arms Ac, 1959, be released on anticipatory bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

5. The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*