IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 ANTICIPATORY BAIL APPLICATION NO. 1958 OF 2026

1. Shaikh Shoaib Tamizuddin
2. Shaikh Afridi Shaikh Jalaluddin
3. Sayyed Abdul Rafe Sayyed Akhtar
4. Momin Abulaas Momin Muzaffar Ahmed
5. Ashfaque Husen Anwar Husen
6. Shaikh Aliuddin Shaikh Fakhruddin

VERSUS

The State Of Maharashtra

Mr. N. S. Ghanekar, Advocate for Applicant
Mrs. P. J. Bharad, APP for Respondent/State

WITH CRIMINAL APPLICATION NO. 4533 OF 2026 IN ABA/1958/2026

Mohammad Fahad Salimoddin Shaikh And Another

VERSUS

The State Of Maharashtra And Others

Mr. S. G. Ladda, Advocate for Applicant
Mrs. P. J. Bharad, APP for Respondent/State

CORAM : R.M. JOSHI, J
DATE : OCTOBER 28, 2026

P. C. :

1. After hearing learned Counsels for both sides and when this Court has shown its disinclination to grant any relief to Applicant Nos. 1 and 3, learned Counsel for these Applicants, on instruction, seek withdrawal of Application qua these Applicants.

2. In view of this, Application stands dismissed as withdrawn qua Applicant Nos. 1 and 3.

3. Applicant Nos. 2, 4 to 6 apprehend arrest in connection with C.R. No. 378/2026 registered with Police Station Khultabad, District Chhatrapati Sambhajinagar for the offences punishable under Sections 109(1), 118(2), 118(1), 352, 351(2), 189(2), 191(1), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 and Section 4/25 of the Arms Act.

4. First information report indicates that one incident had occurred at about 10.30 am on 12.09.2026 wherein there was disputes/quarrel between the informant and some accused persons. After said incident was over and when the informant along with Shaikh Saad was proceeding on mopade towards his house, present Applicants and accused came there from opposite direction. Informant attributes specific role against accused persons as to the manner in which he as well as witness Saad were assaulted.

5. Learned Counsel for Applicants submits that there is no allegations against the Applicant No. 2 of causing any assault on the informant and as such, there is no question of custodial interrogation of this Applicant. In so far as Applicant Nos. 4 to 6 are concerned, he claims that though there are allegations against them, the same are omnibus in nature without giving any particulars as attributed against other accused persons. By referring to the documents placed on record by the Counsel for the Informant, he submits that if it is the case that 10 persons have caused

assault on the informant and witnesses with weapons, it is practically not possible that they would sustain two or three injuries at the most. It is his submission that having regard to the said discrepancy, the possibility of over/false implication exists.

6. Learned APP opposed grant of any relief to the Applicants firstly on the ground that some of the Applicants have criminal antecedents and they are named in the first information report attributing role against them. She drew attention of the Court to the injury certificate on record to indicate that in the incident in question injuries were caused to both informant as well as witness and having regard to the nature of injuries, intention to kill them is apparent. She also drew attention of the Court to the statements of witnesses and injured witness to support her submission.

7. Learned Counsel for Informant sought to take exception to the injury certificate collected during the course of investigation pointing out the discharge card, which according to him, shows different injuries than the one recorded in the injury certificate. As far as Applicant No. 2 is concerned, it is contended that even though he was riding motorcycle, the common intention of the accused who came armed is apparent. Having regard to the nature of offence, he claims rejection of the Application.

8. Perusal of the first information report indicates that there are disputes between the parties. Needless to say that the disputes between the

parties creates possibility of commission of crime so also at the same time, false/over implication also is not ruled out. In the light of these facts, there are no allegations against Applicant No. 2 of he causing any assault on the informant so also witness and there are omnibus allegations against Applicant Nos. 4 to 6 with regard to assault, this Court finds substance in the contention of learned Counsel for the Applicants that this could be a case of over implication. This gets more support in view of the injury certificate on record which depicts that there are three injuries caused to Fahad whereas four injuries were caused to Saad. This Court finds no reason not to accept the contention of learned Counsel for the Applicants that when there are 10 persons caused injuries with weapons to informant and witnesses could have caused more injuries than what they are appearing from the injury certificate.

9. Having regard to the aforestated discussion, Applicants have made out the case for grant of pre-arrest bail. Hence, the order:

O R D E R

(i) Anticipatory Bail Application is allowed qua Applicant Nos. 2, 4 to 6. Anticipatory Bail Application of Applicant No. 2 is allowed by confirming interim order dated 12.10.2026.

(ii) In the event of arrest of the Applicant Nos. 4 to 6 in connection with C.R. No. 378/2026 registered with Police Station Khultabad, District Chhatrapati Sambhajinagar for the offences punishable under Sections 109(1), 118(2), 118(1), 352, 351(2), 189(2), 191(1), 191(3), 190 of the Bharatiya

Nyaya Sanhita, 2023 and Section 4/25 of the Arms Act, they shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.

(iii) They shall attend the concerned police station as and when required.

(iv) They shall not contact the witnesses directly or indirectly.

(v) They shall not interfere with the evidence in any manner whatsoever.

(vi) They are further directed to cooperate the investigating agency for further investigation.

(vii) Pending application stands disposed of.

(R. M. JOSHI, J.)

Malani