IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1962 OF 2026

Shaker Sharif Shaikh And Others
VERSUS
The State Of Maharashtra And Another

Mr. R. G. Hange, Advocate for Applicant Nos. 1 to 6
Ms. R. R. Tandale, APP for respondent-State
Mr. Suvidh Kulkarni a/w Mr. A. R. Lukhe, Advocate for respondent No. 2

CORAM : R. M. JOSHI, J.
DATE : 19th NOVEMBER, 2026

PER COURT :-

1. Learned Counsel Mr. Kulkarni and Mr. Lukhe causes appearance on behalf of respondent no. 2 and files affidavit in reply on behalf of respondent No. 2. Affidavit in reply is taken on record.

2. Applicants seek pre-arrest bail in connection with Crime No. 0250 of 2026 registered with Gondi Police Station, Dist. Jalna, for the offences punishable under Sections 109(1), 115(2), 118(2), 189(2), 190, 191(2), 191(3), 324(4), 352 of the Bharatiya Nyaya Sanhita and under Sections 4, 25 of the Arms Act.

3. First Information Report lodged by Rahim Ahemad Shaikh indicates that on 25.08.2026 at about 07:30 PM present applicants and co-accused came in front of the house of the informant. They were

intending to cause assault on Ashfaq i.e., son of informant. It is alleged that applicants came with sword and iron pipe. Allegations in the First Information Report further shows that applicant Shaker caused assault on the informant so also co-accused Lukman caused fracture injury with iron pipe. Injuries were also caused to Ashfaq in the said incident.

4. Learned Counsel for applicants submits that as per the First Information Report itself it is clear that there was no question of causing assault on informant and as such injuries caused to the informant are not attributed to the applicants. It is his submission that the grievous injury is attributed to the co-accused Lukman, who has already been arrested. As far as other applicants are concerned, it is his contention that appropriate directions to applicants to appear before the Investigating Officer will serve the purpose of effective investigation.

5. Learned APP and learned Counsel for information opposed grant of relief to the applicants by contending that applicants came to the spot with weapons which shows premeditation on their part in causing of the assault. It is argument of the learned Counsel for the informant that it is immaterial as to the intention of the applicants to cause assault on the son of the informant when actual assault has been caused on both. It is his submission that informant was in hospital for substantial period of time and still he is required treatment in the

hospital. He depicts that since applicants are residing in the same area, recurrence of the incident is not ruled out. In response to this submission, learned Counsel for applicants, on instructions, makes a statement that applicants will not enter into the jurisdiction of concerned police station till filing of the charge sheet.

6. *Prima facie*, perusal of the record indicates that there is allegation against applicants that they were intending to cause assault on Ashfaq i.e., son of informant. In so far as injuries caused to the informant are concerned, he sustained three injuries out of which two injuries are attributed to co-accused, who is already arrested. Grievous injury is not attributed to the present applicant but to the said co-accused. In the light of these facts, simple injury is attributed to the one of the applicant. This Court finds no justification not to protect their liberty. Appropriate directions to applicants to appear before Investigating Officer will will serve the purpose of effective investigation in the crime in question.

7. As far as apprehension of the informant is concerned, same has taken care by the voluntary statement made by the applicants of staying away from the jurisdiction of the concerned police station till filing of the charge sheet. Hence, the following order :-

O R D E R

(i) Application is allowed.

(ii) In the event of arrest of applicants in connection with Crime 0250 of 2026 registered with Gondi Police Station, Dist. Jalna, for the offences punishable under Sections 109(1), 115(2), 118(2), 189(2), 190, 191(2), 191(3), 324(4), 352 of the Bharatiya Nyaya Sanhita and under Sections 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 solvent surety in the like amount.

(iii) Applicants are directed to stay away from the jurisdiction of the concerned police station till filing of the charge sheet except when called by the Investigating Officer.

(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.

(R. M. JOSHI, J.)

B. S. Joshi