



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1876 OF 2024

1. HAKIM BIBBN PATHAN
2. RAHIL @ GOLU SHAKIL KHATIK
3. RAZA ALIAS RAFIK AJIJ PINJARI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Syed Azizoddin R.

Addl.PP for Respondents/State : Mr. A.S. Shinde

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CORAM : MEHROZ K. PATHAN, J.

DATE : 20th JANUARY 2026

PER COURT :

1. Heard the learned Counsel for the Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.212/2024 registered with Dondaicha Police Station, District Dhule for the offences punishable under Sections 109, 74, 125, 189, 190, 191, 115(2), 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023 and Sections 37(1), 37(3), 135 of the Maharashtra Police Act.
3. The learned Counsel for the Applicants Mr. Syed submits that this Court vide order dated 25.10.2024 has protected the

Applicants vide interim order with a further direction to attend the police station once in a week. The Applicants Hakeem, Rahil and Raza have attended the police station and cooperated with the investigation. There are no subsequent events showing any violation of conditions or disturbance of peace at the hands of the present Applicants. The allegations in the FIR are an outcome of the earlier FIR No.210/2025 filed by the police and another FIR No.211/2025 filed by one community against another. The co-accused have been protected by this Court vide interim order and have been regularly attending. There are no reports of any untoward incident occurring in the village thereafter. The Applicants do not have any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. This Court may, therefore, continue and confirm the order dated 25.10.2024 and release them on anticipatory bail.

4. As against this, the learned APP vehemently opposes the present application on the ground that the Applicants are involved in the serious offence of rioting and forming an unlawful assembly with a common object to assault the injured persons by means of the stick and other weapons. There are injury certificates on record which corroborate the allegations. The allegations are about disturbance caused to the peace and tranquility of the village as there are allegations of assault by both the communities against each other. The Applicants if released on bail, may tamper with the prosecution evidence and thereby cause prejudice to the prosecution case.

Though the Applicants have attended the police station and cooperated with the investigation, the further investigations are being carried out and the charge-sheet is not filed till today as various other accused persons are absconding. Hence this is not a fit case to grant anticipatory bail. The application may therefore be rejected.

5. I have gone through the investigation papers. The investigation papers show that the Applicants have attended the police station and cooperated with the Investigating Officer once in a week. The investigation papers show that the statements of the relevant witnesses have been recorded, the panchnamas prepared, and the injury certificates of the injured witnesses obtained. The investigation, insofar as it concerns the Applicants, appears to have been completed. Further custodial interrogation of the Applicants is not warranted as could be seen from the investigation papers. The apprehension of the learned APP can be taken care of by imposing stringent conditions upon the Applicants. The Applicants do not have any criminal antecedents and as such I am inclined to protect the Applicants in exercise of powers under Section 482 BNS. Hence the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 25.10.2024 is hereby confirmed.

(iii) The Applicants shall attend the Dondaicha Police Station, District Dhule as and when called by the Investigating Officer till filing of the charge-sheet.

(iv) The Applicants are directed not to threaten the prosecution witnesses.

(v) Any single violation, such as committing a similar offence or threatening the witnesses, would entitle the prosecution to seek cancellation of bail.

(vi) The application stands disposed of.

MEHROZ K. PATHAN
JUDGE

NATEEB..