



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

ANTICIPATORY BAIL APPLICATION NO. 1974 OF 2024
HUSEN HAKINMUDDIN BOHARI @ HUSEN HAKIMODDIN BOHARI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : 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 Applicant and the learned APP for the State.
2. The Applicant has 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 Applicant Mr. Syed submits that this Court vide order dated 22.11.2024 has protected the Applicant vide interim order with a further direction to attend the police station once in a week. The Applicant has 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 Applicant. 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 learned Counsel for the Applicant submits that the Applicant appeared before the Investigating Officer thrice, but was orally directed not to attend the police station. As the Applicant was not called thereafter, he did not attend. The Applicant is not having any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. This Court may, therefore, confirm the order dated 22.11.2024 and release them on anticipatory bail.

4. As against this, the learned APP vehemently opposes the present application on the ground that the Applicant is 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 Applicant if released on bail, may tamper with the prosecution evidence and thereby caused prejudice to the prosecution case. The

learned APP submits that though the Applicant has attended initially however later on the Applicant did not attend the police station. The charge-sheet is not filed till today. 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 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 Applicant, appears to have been completed. The APP submits that, though the Applicant initially attended, he later failed to attend the police station. Whereas the learned Counsel for the Applicant informs that the applicant attended before the Investigating Officer on three occasions. However, the Investigating Officer orally instructed the applicant not to attend the police station regularly and to do so only when called. Since the applicant was not subsequently called by the Investigating Officer, he could not attend. Further custodial interrogation of the Applicant is not warranted from the material in the investigation papers. The apprehension of the learned APP can be taken care of by imposing stringent conditions upon the Applicant. The Applicant is not having any criminal antecedents and as such I am inclined to protect the Applicant in exercise of powers under Section 482 BNS. Hence the following order :

ORDER

- (i) The application is allowed.

- (ii) The interim order dated 22.11.2024 is hereby confirmed.
- (iii) The Applicant shall attend Dondaicha Police Station, District Dhule as and when called by the Investigating Officer till filing of the charge-sheet.
- (iv) The Applicant is 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

NATJEB..