



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

**BAIL APPLICATION NO. 2538 OF 2025**

ANWAR BAIG SALIM BAIG MIRZA AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Sudarshan J. Salunke  
APP for Respondents-State : Mr.B. B. Bhise

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**CORAM : SACHIN S. DESHMUKH, J.**

**Date : 14<sup>th</sup> January, 2026**

**ORDER :-**

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 03.11.2025 bearing Crime No. 738 of 2025, registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 109, 118(1), 115, 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. According to the prosecution, on 01.11.2025, approximately between 9:30 PM and 10:00 pm near Chandtara Masjid, a birthday celebration was being held for one Shaikh Muzmil Mobil. It is alleged that prior to eight days, Abdul Mohammad Hussain Khan and Fazal Salim Mirza had engaged in a trivial dispute. When the informant intervened and requested them

to shake hands to pacify the matter, the accused persons began abusing him. The situation escalated when the accused persons allegedly assaulted the informant using a chain-pocket axe and an iron pipe, causing to sustain injuries. When the informant's friend attempted to pacify the quarrel, he was also assaulted by the accused, Fazal and Anwar. Consequently, the FIR was lodged.

3. The learned counsel for the applicants submits that the applicants were arrested on 29.11.2025 and since then, they are in jail. The applicants are innocent persons and they have falsely implicated in the offence. The applicants have no criminal antecedents and are ready and willing to abide by terms and conditions that may be imposed by this Court. The investigation is almost complete. Nothing remains to be recovered or discovered at the instance of applicants and, therefore, further incarceration of the applicants is not warranted. As such, prayed to allow the application.

4. The learned APP opposed the application submitting that the applicants have made a common intention to assault the informant. The applicants actively participated in the assault. The further apprehension is expressed that in the event, applicants

are released on bail, they may threaten the informant and prosecution witnesses. Hence, prayed to reject the application.

5. Considering the submissions of both the sides and perusing the material on record, prima facie the incident appears to have germinated from a trivial dispute that occurred eight days prior. The confrontation on 01.11.2025 was a sudden flare-up during a social gathering (a birthday celebration), indicating an absence of premeditation. The circumstances, prima facie, indicate that the incident was a free fight arising from a sudden provocation.

6. Moreover, the dispute was trivial and spontaneous, which shifts the nature of the offence away from the most stringent categories of the law. The applicants has a clean record and no prior history of involvement in any criminal activity. This prima facie indicates that the incident was an isolated occurrence rather than a manifestation of a habitual criminal tendency.

7. Nevertheless, the investigation of the case is almost complete. The alleged weapon and other articles in connection with alleged crime have been already recovered by the Investigating

agency. Hence, nothing remains to be recovered at the instance of the applicants.

8. Thus, no fruitful purpose would be served by keeping the applicants behind the bar and can be enlarged on bail. The apprehension expressed by the learned APP about tampering the prosecution evidence, can be adequately taken care of by imposing stringent conditions. Hence, the following order :-

**ORDER**

- (I) Application is **allowed**.
- (II) Applicants – **Anwar Baig Salim Baig Mirza and Fazal Baig Salim Baig Mirza**, be released on regular bail on furnishing P.R. bond of Rs. 50,000/- **each** (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 738 of 2025, registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 109, 118(1), 115, 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023, on the following conditions :-
  - (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
  - (b) The applicants are directed to attend the concerned Police Station and report to the Investigating Officer on every Thursday and Saturday between 10.00 am to 01.00 pm, till the filing of the charge-sheet.
  - (c) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- (d) The applicants shall submit their Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
- (e) Breach of any of the conditions by the applicants would entail the cancellation of the bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

**(SACHIN S. DESHMUKH, J.)**

*Omkar Joshi*