



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

14 ANTICIPATORY BAIL APPLICATION NO. 322 OF 2025

Shahezad Shaikh Saleem

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

Mr. J. M. Murkute, Advocate for Applicant.

Mr. N. D. Raje, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JUNE, 2026.

PER COURT :

1. Applicant has preferred this application seeking pre-arrest bail in connection with Crime No. 256/2023, registered with Begumpura Police Station, District Aurangabad, for the offences punishable under Sections 307, 323, 324, 341, 504 read with Section 34 of the Indian Penal Code.

2. On 12.11.2023, at about 1.00 pm, the incident had occurred in which injured Arshad was assaulted by the present applicant and co-accused. The allegation against the present applicant is that he inserted fighter into the mouth of the injured, resulting into causing of injury to his gums. The allegation against the co-accused is of causing assault on his head with knife.

3. Learned counsel for the applicant submits that the allegation with regard to the assault with fighter by the present applicant on the informant is not supported by medical certificate. It is his contention that if it is alleged by the injured that the applicant has inserted fighter into his mouth, question of causing of any external injury to him does not arise. It is his further submission that if the incident had occurred in a public place, there ought to have been statement of any independent witness to support the allegation of the informant. He further submits that the applicant is having no criminal history and pursuant to the interim relief granted by this Court by order dated 08.04.2025, the applicant has attended the concerned police station and co-operated in the investigation.

4. Learned APP opposed the application contending that the offence is serious in nature and the weapon of assault i.e. fighter is yet to be recovered.

5. The incident, as appears from the statement of the injured, has taken place at about 1.00 pm near rickshaw stand in front of Harsul prison. Having regard to the place at which the incident has

occurred, this Court finds substance in the contention of learned counsel for the applicant that the incident ought to have been witnessed by independent persons. In the light of the fact that no statement of any independent witness has been recorded during the course of investigation, the discrepancy in the statement of the injured and the injury certificate assumes importance.

6. Having regard to the fact that the injuries caused to the injured are simple in nature and there are inconsistencies with regard to the allegations against the present applicant and the nature of injuries caused to the informant, this is a fit case for confirming the interim protection granted to the applicant. The applicant has no criminal history and he is not likely to flee from justice. Having regard to the aforestated facts, application stands allowed in terms of the interim relief.

(R. M. JOSHI, J.)

dyb