



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 565 OF 2025

Wasim Salim Patel

VERSUS

The State Of Maharashtra And Another

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- Mr. Chatterji Joydeep, Advocate for Applicant
- Mr. R. K. Ingole, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 23.03.2026

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondents-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0345 of 2023, dated 29.12.2023, registered with Nardana Police Station, District Dhule, for the offences punishable under Sections 302, 326, 143, 147, 148, 149, 324, 323, 427, 504 and 506 of the IPC, 1860.
3. This Court, by order dated 23.04.2025, granted interim protection to the present applicant, subject to the condition that he shall attend the police station as and when called by the Investigating Officer and shall cooperate with the investigation. Learned counsel for the applicant submits that the applicant has complied with the

interim order and has not violated any of the conditions imposed. It is further submitted that the applicant has attended the police station and cooperated with the Investigating Officer. Learned counsel for the applicant further submits that the charge-sheet has already been filed in the present crime. Hence, further custodial interrogation of the applicant is not necessary.

4. Learned counsel for the applicant submits that the applicant himself sustained grievous injuries in the present incident, which was a free fight. There was no intention on the part of the applicant to commit murder or to assault the witnesses. The incident occurred in the spur of the moment. It is further submitted that the applicant is alleged to have assaulted Nihal Patel, who sustained simple injuries. A perusal of the statement of Nihal Patel would suggest that he suffered simple injuries. Considering the nature of allegations, this Court had granted interim protection vide order dated 23.04.2025. For the same incident, there is a counter FIR registered at the instance of Aasif Patel, being FIR No. 343 of 2023, which is earlier in point of time, wherein the family members of the complainant are accused of voluntarily causing grievous hurt by means of dangerous weapons and attempt to commit murder. The applicant himself received grievous injuries and was hospitalized for six days. Injury certificates on record show that the applicant sustained grievous

injuries on the fronto-parietal region. The applicant has cooperated with the investigation and the charge-sheet has been filed. The main accused, Faruk Patel, who is alleged to have committed the murder of the deceased, has already been released on regular bail. Therefore, the interim order dated 23.04.2025 deserves to be confirmed and the applicant may be granted anticipatory bail.

5. As against this, the learned APP vehemently opposes the present application on the ground that the applicant is involved in a serious offence of forming an unlawful assembly with a common object of committing the murder of the deceased. The applicant was found to be part of the unlawful assembly and is specifically named in the FIR as having inflicted injuries upon Nihal Patel. Although Nihal Patel sustained simple injuries, the same are on a vital part, i.e., the head, inflicted with a dangerous weapon, namely a stick. Other witnesses have also stated about the role of the present applicant in assaulting the witnesses. The incident resulted in the death of the husband of the complainant, namely Miyalal Patel. The offence is punishable with death or life imprisonment. Hence, the applicant may not be released on anticipatory bail.

6. I have gone through the investigation papers made available by the learned APP, as well as the charge-sheet filed along with the present application, though under Section 299 of Cr.P.C. against the

applicant. The allegations levelled against the applicant indicate that he is alleged to have assaulted Nihal Patel by means of a stick lying at the spot. It appears from the record that the assailants did not come armed with any dangerous weapons. The intention of the applicant to commit murder, as part of an unlawful assembly with a common object, will have to be proved by leading evidence. However, the prima facie material, including the injury certificate produced on record, shows that the applicant himself sustained grievous injuries and was admitted at Shwas Hospital from 31.12.2023 to 05.01.2024. The applicant sustained injuries on the fronto-parietal region, which is a vital part of the body. The counter FIR indicates that the applicant was assaulted by accused Nihal Patel. The said accused, Nihal Patel, has been granted anticipatory bail by the learned Additional Sessions Judge, Dhule, vide order dated 04.02.2025 passed in Criminal Bail Application No. 44 of 2025. A perusal of the injury certificate issued by the Primary Health Centre, Nardana, District Dhule, shows that Nihal Patel sustained simple injuries, though on a vital part, i.e., the head. However, it cannot be ignored that the incident was a result of a free fight between the parties. The apprehension expressed by the learned APP that the release of the applicant may lead to a law and order situation can be addressed by imposing stringent conditions.

7. Thus, taking into consideration that the investigation is complete, the applicant has been protected since 23.04.2025, has complied with the conditions, and no violation is reported, I am inclined to protect the applicant in exercise of powers under Section 482 of the BNSS. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. The interim order dated 23.04.2025 is hereby confirmed, subject to the following further conditions:
 - A) The applicant shall attend each and every date of the trial, unless excepted by the Trial Court for valid reasons.
 - B) The applicants shall not enter Village Jatoda, Taluka Shindkheda, District Dhule, till framing of the charge by the learned Trial Court.
 - C) The applicants shall furnish an alternate residential address outside Village Jatoda to the Investigating Officer and shall not change the same without prior intimation.
 - D) The Applicant shall attend the concerned Police Station as and when called by the Investigating Officer and cooperate with further investigation, if any.
 - E) The Applicant shall not pressurize the prosecution

witnesses and shall not tamper with the prosecution evidence, in any manner.

F) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

8. Needless to state that a single violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail granted herein.

9. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.

10. In view of the above, the Anticipatory Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)