



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

**ANTICIPATORY BAIL APPLICATION NO. 1131 OF 2025**

1. SHAIKH MOIN SHAIKH LAL
2. SHAIKH MOIZ SHAIKH MOIN
3. SHAIKH AZIZ SHAIKH MOIN
4. SHAIKH ASAD @ SHAIKH MOHSINLAL
5. SHAIKH SHOHEB SHAIKH MATIN

**VERSUS**

**THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Arora Shyam C.

APP for Respondents/State : Mr. P.D. Patil

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**CORAM : MEHROZ K. PATHAN, J.**

**DATE : 6<sup>th</sup> FEBRUARY 2026**

**PER COURT :**

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.158/2025 registered with City Chowk Police Station, District Chhatrapati Sambhajinagar for the offence punishable under Sections 109, 115(2), 118(2), 189(2), 189(4), 296, 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.
3. The learned Counsel Mr. Arora for the Applicant submits that this Court vide order dated 22.07.2025 has protected the

Applicant vide interim order with a further direction to attend the police station on every Monday at 11:30 am. until further orders. The Applicants have attended the police station and have complied with the conditions scrupulously. The investigation as against the Applicants is over and the Investigating Officer has filed charge-sheet against the Applicants on 05.09.2025 which is registered as RCC No.132/2025 before the trial Court. The learned Counsel further submits that even looking to the allegations made in the FIR, the basic allegation of assault on the mother of the complainant Ayesha, is attributed towards accused Mukhtar alias Babbu who was already arrested and released on regular bail by order of this Court dated 23.06.2025 alongwith arrested co-accused Shaikh Mufeez in Cri. Bail Application No.866/2025. This Court while releasing the accused Mukhtar and Mufeez on regular bail has also recorded the compromise entered into the complainant. The accused Applicants and the complainant are related to each other. Taking into consideration the nature of allegations as against the Applicants, the further custodial interrogation of the Applicants may not be necessary. The Applicants do not have any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. Hence this Court may, therefore, continue and confirm the order dated 22.07.2025 and release them on anticipatory bail.

4. As against this, the learned APP strongly opposes the application on the ground that the injury sustained by the mother of the complainant is serious in nature, being on a vital part of the

frontal parietal region, and is shown to be grievous in the medical injury report of the injured witness, Jamila Begum, issued by the MGM Medical College and Hospital. The perusal of the injury report would show that several injuries were sustained by the mother of the complainant though the same are shown to be simple in nature. However there are direct allegations of involvement of the Applicants and the Applicants if released on bail, may again threaten the prosecution witnesses and thereby cause prejudice to the prosecution case. Hence the application may be rejected.

5. I have gone through the investigation papers which is now culminated into filing of the charge-sheet. The perusal of the injury certificate shows that one injury sustained by Jamila, the mother of the complainant Ayesha, is already recorded as grievous in nature. The said injury is attributed to an assault by Mukhtar Khan alias Babbu with a baseball bat. The other accused, namely the Applicants Moin, Moiz, and Aziz, are attributed only with the role of dragging the complainant, which resulted in simple injuries such as abrasions and contusions. The remaining Applicants, Asad and Shoeb, are not attributed any overt act of assault either in the FIR or in the statements recorded during the course of investigation.

7. Taking into consideration that the Applicants were protected vide order dated 22.07.2025 passed by this Court, and there is no complaint of violation thereof, and that the charge-sheet filed against all the Applicants shows that the investigation is already

complete, the further custodial interrogation of the Applicants may not be necessary. Thus, I am inclined to protect the Applicants in exercise of powers under Section 482 of the BNS. Hence the following order :

**ORDER**

- (i) The application is allowed.
- (ii) The interim order dated 22.07.2025 is hereby confirmed.
- (iii) The Applicants are directed to attend the City Chowk Police Station, District Chhatrapati Sambhajnagar as and when called by the Investigating Officer.
- (iv) The Applicants are directed not to threaten the prosecution witnesses.
- (v) The Applicants shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.
- (vi) The Applicants shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.
- (vii) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the present Applicant on that ground.
- (viii) With the aforesaid directions, the application is disposed of.

**MEHROZ K. PATHAN**  
**JUDGE**

NAJEEB..