



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 ANTICIPATORY BAIL APPLICATION NO. 2159 OF 2025

AREFKHAN YUSUFKHAN PATHAN ALIAS AAREF YUSUF PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S. R. Andhale, Advocate for Applicants

Ms. R. P. Gour, APP for the Respondent/State

CORAM : R. M. JOSHI, J.

DATED : 9th JUNE, 2026

P C. :-

1. At the outset learned APP opposed the maintainability of application on the ground that the previous bail application bearing ABA No. 537/2025 was allowed to be withdrawn by order dated 28.04.2025. The applicants filed another application before the Sessions Court seeking pre-arrest bail on the ground that charge-sheet came to be filed on 02.09.2025. She further submits that the said application was not pressed on the ground that no leave was granted by the High Court to move such application. Thus, it is her contention that this is nothing but forum hunting.

2. Learned Advocate for the applicants resisted the said contention by pointing out that the pleadings in the application indicating that all these facts are duly brought to the notice of this Court and as such there is no

suppression any material facts.

3. Though the application was initially filed before the Sessions Court and, after its withdrawal, came to be filed before this Court, this Court does not find it to be a case of suppression of material facts. Having regard to the same, this Court is inclined to entertain the present application.

4. On merits, it is the contention of the learned Advocate for the applicants that the liberty of the applicants was protected by the interim relief granted by this Court and, thereafter, the applicants cooperated with the investigation. According to him, the charge-sheet has been filed against all the accused, including the present applicants, and as such, there is no propriety in refusing anticipatory bail to them.

5. Learned APP opposed the application, however, she was unable to show any reason for which the custodial interrogation of the applicant would be necessary.

6. Once it is admitted that the investigation is complete and the charge-sheet has been filed against the present applicants, the question of their custodial interrogation does not arise. Needless to state that the applicants cannot be kept in custody by way of a pre-trial punishment. The

applicants have no criminal antecedents and are not likely to flee from justice. In view of the same, this Court finds no impediment in confirming the interim relief.

7. Hence, the interim relief granted vide order dated 11/12/2025 stands confirmed, except Clause Nos. 1 and 2 thereof.

(R. M. JOSHI, J.)

ssp