



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

ANTICIPATORY BAIL APPLICATION NO. 2293 OF 2025

ARIF RAHIMUTULLA BEPARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sagar P. Mahale h/f
Mr. Shaikh Mazhar A. Jahagirdar

APP for Respondents/State : Mr. R.K. Ingole

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 18th FEBRUARY 2026

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.598/2022 registered with Parner Police Station, District Ahilyanagar for the offence punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506, 427, 326, 34, 341, 504, 506 of the Indian Penal Code 1860 and under Sections 37(1), 37(3), 135 of the Bombay Police Act, 1951.
3. The case of the prosecution is that on 30.07.2022, Amol Suresh Andhale and Akshay Tukaram Karnade, members of Bajrang Dal, were informed by Abhijeet Chauhan, an animal welfare officer,

that on 29.07.2022 a Tempo bearing registration number MH-18-AA-316 was carrying animals for slaughter. Chauhan called his friend Akshay Karande, and together they went on a motorcycle (MH-16-BB-9553) to Ovalphata, Kalyan Road. He also contacted Amol Andhale, who arrived in a Scorpio Jeep (MH-14-J-1712). When they located the tempo, they attempted to stop it, but the driver did not comply. They pursued the vehicle in the Scorpio and managed to stop it at Kasarephata. The driver, Shaharukh Shaikh, informed them that he was transporting animals from Belhe to Jamkhed, District Ahmednagar. A motorcycle driven by Ashpak Pathan was traveling ahead of the tempo. The informant instructed that the tempo be taken to the police station, and accordingly, the Takali-Dokeshwar Police Chauki intercepted and seized the vehicle along with the animals.

. It is further alleged that, after they had stopped the vehicle in front of the Government Guest House at 10:30 p.m., a white Alto car with four occupants, including Sohail Budhan and Arif, assaulted their vehicle using iron rods and sticks. The informant sustained an injury to his left hand from a stick. Akshay managed to run away from the spot, whereas Amol Andhale was assaulted by two of the accused. When they raised an alarm, the accused threatened that they would not leave them alive. Amol Andhale fell unconscious. He was taken to the Multi-Specialty Hospital at Takali-Dhokeshwar and later shifted to Ahmednagar. Consequently, a report was lodged against Ashpak Pathan, Safik Shaikh, Faiyaz Bhai, another individual named Ashpak, as well as Sohail and Arif.

4. The learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the present crime. At the most, the allegations in the FIR state that the Applicant was riding a Unicorn motorcycle as a pillion rider along with one Sohail. The complainant has alleged that he was assaulted by persons traveling in an Alto car. The Applicant was not in the Alto car but is alleged only to have been riding the motorcycle. The complainant, though not acquainted with the Applicant, mentioned his name solely on the basis of the statement of driver Shahrukh, as recorded in the FIR. However, the statement of driver Shahrukh was not recorded by the Investigating Officer during the investigation, nor does it find place in the charge-sheet filed against the arrested accused Sohail and Ashpak. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. The Applicant may therefore be released on anticipatory bail.

5. As against this, the learned APP strongly opposes the present application on the ground that the incident occurred in 2022. The Applicant has been absconding since the date of registration of the offence. The Applicant is alleged to have played an important role in the assault upon the complainant and the other persons accompanying him, including Amol, who sustained injuries in the incident. The accused persons are alleged to have used dangerous weapons to cause grievous hurt to the injured witness Amol. The injury certificate of Amol shows that he sustained one grievous injury and two simple injuries. The grievous injury was inflicted on a vital

part of his body. The statements of the complainant and the witnesses, recorded under Section 164 of the Code of Criminal Procedure, reiterate the allegations made in the FIR. Furthermore, the CCTV footage panchanama also captures the assault on the complainant and the injured witnesses.

8. I have gone through the charge-sheet filed against the arrested accused, annexed along with the application, as well as the investigation papers made available by the learned APP. A perusal of the investigation papers shows that the allegations in the FIR regarding the assault pertain only to the persons who had come in the Alto car. The Applicant is alleged to have been riding a Unicorn motorcycle as a pillion rider along with one arrested accused, Sohail. The CCTV footage panchanama does not show that the persons who arrived on the motorcycle assaulted the complainant or the injured witness. On the contrary, the transcript panchanama indicates that the persons who alighted from the Alto car assaulted the complainant and the injured witness with sticks and iron rods. The CCTV footage panchanama does not disclose any overt act attributable to the persons riding the motorcycle. Further, the investigation papers do not contain the statement of witness Shahrukh Shaikh, who is mentioned in the FIR to have identified the Applicant. The statements of the complainant and other eyewitnesses also do not attribute any direct role to the Applicant in assaulting the complainant or the victim, or in damaging or ransacking the complainant's vehicle.

9. Be that as it may, these observations are *prima facie* in nature and are made only with the intention of deciding the present application. The same shall not influence the trial Court. Taking into consideration the nature of the allegations and the role of the present Applicant, which is not clearly made out from the charge-sheet or the investigation papers submitted by the prosecution, I am inclined to protect the Applicant in exercise of powers under Section 482 of the BNSS. However the observations made herein are *prima facie* with a purpose to decide the application, the same may not influence the trial Court. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant - Arif Rahimutulla Bepari in connection with Crime No.598/2022 registered with Parner Police Station, District Ahilyanagar for the offence punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506, 427, 326, 34, 341, 504, 506 of the Indian Penal Code 1860 and under Sections 37(1), 37(3), 135 of the Bombay Police Act, 1951, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties in the like amount, on the following conditions :

(a) The Applicant is directed to attend Parner Police Station, District Ahilyanagar on 24th 25th of February, 2026 and 2nd 3rd 9th and 10th March of 2026 between 11:00 am. to 01:00 pm. and thereafter as and when called by the Investigating Officer till filing of the charge-sheet against the Applicant and co-operate with the Investigating Officer.

- (b) The Applicant shall not to threaten the witnesses or the complainant.
 - (c) The Applicant shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.
 - (d) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
 - (e) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the present Applicant.
- (ii) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE

NATJEB..