



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

ANTICIPATORY BAIL APPLICATION NO. 57 OF 2026

SAIF KHAN ASIF KHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CRIMINAL APPLICATION NO. 1200 OF 2026

IN ABA/57/2026

SHAIKH UMER SHAIKH NASIRODDIN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Hange Rajendra G.

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

Advocate for assisting prosecution : Mr. Sajed W. Khan

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CORAM : MEHROZ K. PATHAN, J.

DATE : 8th APRIL 2026

PER COURT :

1. Heard the learned Counsel Mr. Hange for the Applicant, learned Assisting Counsel Mr. Khan and the learned APP Mr. Patil for the Respondent/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with Crime No.146/2025 registered with Begumpura Police Station, District Aurangabad for the offences punishable under Sections 118(2), 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The case of the prosecution is that on 21.06.2025 at about 02:00 p.m. the Informant received phone call of the Applicant. He threatened the Informant and called him at Town Hall. The Informant went to Town Hall and he saw the Applicant Saif and co-accused Nazir. Applicant assaulted him with knife while Nazir assaulted him with wooden log. On the basis of report and injury certificate, crime came to be registered against the Applicant and co-accused.

4. The learned Counsel further submits that the Applicant is falsely implicated in the present crime. The allegations against the Applicant state that he gave a knife blow on the back of the complainant. However, the injury certificate shows that the complainant did not receive any injury on his back. The injury certificate annexed with the charge-sheet filed against the accused persons indicates that the victim suffered injuries on the parietal region of his head and on the wrist of his right hand. These injuries are attributed to another assailant/Nazeer, who was also alleged to have used a knife to inflict blows on the complainant. The accused Ishaq and Nazeer are already arrested and released on regular bail. The statement of the complainant under Section 183 BNSS is recorded wherein he again reiterates that the Applicant has assaulted the complainant by knife on his back however there is no injury found on the back of the complainant. The Applicant was earlier involved in two crimes one is under Section 420 IPC for cheating and another was under Section 324 IPC and other relevant sections. The

complainant is also a history-sheeter against whom two offences are registered. However, the Applicant and the complainant are near relatives. As per the advice of the senior members of the family, the dispute between the Applicant and the complainant has been amicably resolved. Accordingly, the complainant has filed an affidavit giving no objection to the release of the Applicant. The Applicant is ready to abide by any conditions that may be imposed by this Court. Hence the Applicant may be protected.

5. As against this, the learned APP and the learned Assisting Counsel strongly oppose the present application on the ground that the Applicant is involved in the serious offence of voluntary causing grievous hurt by means of dangerous weapon which is punishable with life imprisonment. There are direct allegations against the Applicant of using dangerous weapon knife to inflict injury upon the victim complainant. The Applicant is a criminal history-sheeter and there is every likelihood that the Applicant if released on bail, may again commit identical offences. Hence this is not a fit case to grant anticipatory bail to the Applicant.

6. I have gone through the investigation papers made available by the learned APP. The other co-accused Ishaq and Nazeer are already arrested and released on regular bail. The charge-sheet is filed in the present crime. The perusal of the statement of the complainant under Section 183 BNSS would show that the complainant has again stated about the assault by the Applicant on

the back of the complainant. However the injury certificate placed along with charge-sheet does not show any such injury sustained by the victim complainant.

. Be that as it may, these are observations prima facie in nature made only with the purpose of deciding the application and may not influence the trial Court. Taking into consideration the limited role of the Applicant and the medical injury certificate of the complainant and also the fact that the Applicant has settled the dispute with the complainant and the complainant has filed the separate affidavit along with the application for assisting prosecution. I am inclined to protect the Applicant, however upon certain conditions. Hence, the following order:

ORDER

(i) In the event of arrest of the Applicant - Saif Khan Asif Khan in connection with Crime No.146/2025 registered with Begumpura Police Station, District Aurangabad for the offences punishable under Sections 118(2), 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023, 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 :

(ii) The Applicant is directed to attend Begumpura Police Station, District Aurangabad on 15th, 16th, 22nd, 23rd, 29th, and 30th April 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.

(iii) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or the witnesses.

(iv) The Applicant shall not enter the jurisdiction of Begumpura Police Station until the framing of the charge-sheet, except for attending the aforementioned dates.

(v) The Applicant shall attend the trial on each and every date unless so exempted by the trial Court on emergency conditions.

(vi) 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.

(vii) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(viii) With the aforesaid directions, the application is disposed of.

(ix) The application for assisting the prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE

NAJEEB..