



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

904 ANTICIPATORY BAIL APPLN. NO. 7 OF 2026

**ZAFAR NIJAM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr.Avinash Patil h/f. Mr.A.K.Bhosle
APP for Respondent-State : Mrs.P.J.Bharad

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 06.01.2026

P.C. :

1] Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant has filed the present application, seeking anticipatory bail in connection with Crime No.722/2025, registered with MIDC Waluj Police Station for the offence punishable under Section 118 (2), 189 (2), 191 (2), 191 (3), 190, 115(2), 352, 109 (1), 119(2) of the BNS.

3] The applicant has filed the present application in view of the change of circumstance. That the charge sheet is now filed. The earlier application filed by the applicant before this Court was withdrawn as this Court was

not inclined to grant anticipatory bail in favour of the applicant. Hence, in view of filing of the charge sheet, the applicant has withdrawn the earlier application and filed anticipatory bail application before the learned Sessions Court.

4] The learned counsel for the applicant submits that the applicant is falsely implicated in the alleged crime. The charge sheet is already filed in the present crime. The other two accused persons are already released on bail by the learned Sessions Court, Aurangabad. Nothing is to be recovered from the applicant as iron pipe, which is allegedly used in the commission of the crime, is already seized by the police from the spot. The complainant had previous enmity with the present applicant as the relatives of the accused had filed complaint against him at Grampanchayat office about selling of illicit liquor, and therefore, the applicant is deliberately implicated in the FIR. There is delay in lodging the FIR. The incident is dated 19.07.2025, however, the FIR is lodged on 22.07.2025. The applicant is ready to abide by any conditions that may be imposed by this Court. Hence, the present applicant may be released on anticipatory bail.

5] As against this, the learned APP vehemently opposes the present application on the ground that the applicant is directly involved in the alleged crime to have

assaulted the complainant by means of dangerous weapon i.e. iron pipe. The iron pipe is seized from the spot by the police. There are eye witnesses, who had corroborated the allegations in the FIR. The injury report of the victim Masood Khan Rashid Khan shows that he has received three grievous injuries on his person during assault. The Investigating Officer has also recorded the statement of one eye witness, namely, Shaikh Anis, who was present at the time of incident whose name is also mentioned in the FIR. The CCTV footage of incident was obtained and the another witness, namely, Harun Khan Rashid Khan has identified the present applicant with the assailant, who has assaulted the victim. Thus, ample evidence was collected by the Investigating Officer to bring home guilt of the present applicant and the charge sheet is filed before the concerned Magistrate wherein the applicant is shown as absconding.

6] I have considered the submissions made by the learned counsel for the applicant and I have gone through the investigation papers with the assistance of the learned APP. Perusal of the investigation papers, more particularly, the charge sheet which shows that the applicant is one of the main accused, who had assaulted the complainant by means of dangerous weapon i.e. iron pipe. The statement of the eye witness, namely, Haroon Khan corroborates the allegations with the FIR that the applicant has assaulted the victim by means of iron pipe. The CCTV footage was seen

by the Haroon Khan, who has identified the present applicant along with other accused persons, who had assaulted the complainant on 19.07.2025 at 3.45 hours. The injury certificate shows that the complainant has sustained grievous injuries. The supplementary statement of the complainant is also recorded by the police, which states about role played by the present applicant. Thus, there is ample evidence collected by the police against the present applicant in the said crime. The other two accused persons are released on regular bail by the Sessions Court. Thus, the principle of parity would not apply to the present applicant. In view of the above, I am not inclined to exercise discretion in favour of the present applicant. Hence, the present application is hereby rejected.

[MEHROZ K. PATHAN]
JUDGE

DDC