



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 265 OF 2026**

Ganibee Khalil Shaikh
VERSUS
The State Of Maharashtra

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Mr. M. K. Bhosale, Advocate for Applicant
Mr. K. K. Naik, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 23.02.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 830 of 2025 dated 22.12.2025, registered with Ahmedpur Police Station, District Latur, for the offences punishable under Sections 352, 352(3), 351(2), 190, 191(3), 191(2), 189(2), 118(2), and 103(1) of the BNS, 2023.
3. The case of the prosecution is that the complainant has alleged in his complaint that on 21.12.2025 at about 9:00 p.m., the complainant and other victims, namely Shoeb Bagwan and Amer Bagwan, along with others, were talking near Abubakar Kirana Shop, Ahmedpur. At that time, accused No. 1, Sikandar, asked them to leave

the place, abused them in filthy language, and threatened to kill them. Thereafter, the complainant and the other victims proceeded towards Abubakar Masjid. At that place, all the accused persons, including the present applicant, arrived and again abused them in filthy language. Accused No. 6, Malan, brought two knives and a stick. Accused No. 2, Samir, and accused No. 3, Kalim, assaulted the complainant and the victims with knives. It is further alleged that accused No. 2, Samir, inflicted a knife blow on the chest of Shoeb Bagwan, while accused No. 3, Kalim, assaulted the informant with a knife on his back. The present applicant Ganibee and accused No. 6, Malan, allegedly abused the victims and assaulted them with kicks and fist blows. As a result of assault, Shoeb Bagwan succumbed to the injuries during treatment. On the basis of these allegations, Crime No. 830 of 2025 came to be registered.

4. Learned counsel for the applicant submits that the applicant has been falsely roped in the present crime with an intention to implicate the entire family of the main accused, who are the sons of the present applicant, Ganibee Khalil Shaikh. The applicant is aged 70 years and is not involved in the present crime, nor was she present at the place of occurrence. There is a delay of one day in lodging the FIR, and taking advantage of the said delay, the FIR has been filed as an afterthought. The applicant, being the mother of the accused

persons who are attributed the role of assault on the deceased and the complainant, has been deliberately implicated with an intention to wreak vengeance against her family members.

5. It is further submitted by learned counsel for the applicant that, even assuming without admitting the allegations, the role attributed to the applicant is limited to abusing and assaulting by means of fist and kick blows. No dangerous weapon is alleged to have been used by the applicant to assault the complainant, the deceased, or the other injured witnesses. Considering the limited role attributed to the applicant even as per the FIR, custodial interrogation of the applicant may not be necessary. Hence, the applicant may be released on anticipatory bail.

6. Per contra, the learned APP strongly opposes the present application on the ground that the applicant is the main instigator who started the entire quarrel. The allegations in the FIR clearly state that the applicant instigated and provoked her sons to kill the deceased Shoeb, the complainant, and other injured witnesses. Upon her exhortations, the main accused acted violently and, by using deadly weapons, assaulted the complainant and the deceased Shoeb. Though the applicant is attributed the role of giving fist and kick blows, the cumulative effect of the entire assault is required to be considered while evaluating the role of the present applicant. A trivial

quarrel resulted in the death of deceased Shoeb only because of the instigation, provocation, and exhortation at the behest of the present applicant. As such, the applicant is directly attributed a specific role in the FIR. The offence is punishable with life imprisonment or death penalty and, therefore, this is not a fit case to exercise discretionary powers to grant anticipatory bail. Hence, the application deserves to be rejected.

7. I have gone through the allegations made in the FIR, the say filed by the prosecution before the Trial Court, and the order dated 16.01.2026 passed by the learned Additional Sessions Judge, Ahmedpur, rejecting the anticipatory bail application of the applicant.

8. A perusal of the FIR shows that when the complainant, along with deceased Shoeb and witnesses Amer, Maksud, and Adnan, were standing near Abubakar Kirana Shop, Ahmedpur, accused Sikandar asked them to leave and started abusing them in filthy language. When the complainant party proceeded towards Abubakar Chowk, accused Sikandar, Samir, Amir, Kalim, along with the present applicant – Ganibee Khalil Shaikh – and accused Malan Shaikh, extended threats to the complainant and deceased Shoeb. Accused Malan Shaikh brought two knives and a stick from her house. One knife was handed over to Samir and another to Kalim, and the stick was given to Sikandar. Accused Samir inflicted a knife blow on the

chest of deceased Shoeb and also caused an injury with a knife on the left leg of witness Amer. Accused Kalim inflicted a knife blow on the back of the informant. Sikandar assaulted informant Umer Bagwan, Shoeb, and Amer with a stick. Accused Malan and Ganibee (the present applicant) are alleged to have hurled abuses and assaulted the victims with fist and kick blows. Witnesses Maksud Bagwan and Adnan Bagwan intervened in the quarrel, and thereafter the deceased and injured witnesses were taken to hospital for treatment. During treatment at Latur, doctors at the Government Hospital declared injured Shoeb dead, while the other injured witnesses were treated.

9. Thus, the perusal of the FIR itself shows that the applicant, Ganibee Khalil Shaikh, has allegedly played an important role by instigating the main accused, who are her sons, to kill the complainant party. It can be seen from the police report that accused Nos. 1 to 4, who are attributed the role of assault by means of dangerous weapons, have already been arrested. However, the applicant, who is directly named in the FIR, is absconding since the date of registration of the FIR.

10. The Hon'ble Supreme Court in the case of ***Pratibha Manchandra Vs. State of Haryana, 2023 Live Law (SC) 514***, has held as under :-

“19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.”

11. The applicant is attributed the role of abusing, exhorting, and assaulting the victims with fist and kick blows. The applicant appears to have shared a common intention with the other accused to commit the murder of victim Shoeb and to cause injuries to the other witnesses. Victim Shoeb has lost his life, whereas the other witnesses have sustained serious injuries. The deceased and the injured witnesses were required to be taken to the hospital at Latur, where Shoeb was declared dead and the other witnesses underwent medical treatment.

12. Thus, taking into consideration the gravity of the offence and the charge against the applicant of being involved in a case of murder, which is punishable with life imprisonment or death, and also considering the fact that the applicant is directly implicated in the offence of murder having allegedly played a significant role in the

commission of the offence, I am not inclined to exercise the discretionary powers under Section 482 of the BNSS for releasing the applicant on anticipatory bail. The application is hereby rejected.

(MEHROZ K. PATHAN, J.)