



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 560 OF 2026

Shaikh Fayyaz Shaikh Sardar

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....
Advocate for Applicant : Mr. More P. P.
APP for Respondents: Mr. A.S. Shinde.

CORAM : MEHROZ K. PATHAN, J.
DATE : 21st APRIL, 2026.

P.C. :-

1. The applicant has approached this Court seeking anticipatory bail in connection with crime No. 29 of 2026, registered with Badnapur Police Station, Dist. Jalna for the offences punishable under Sections 118-1, 308-1, 296, 351-3 r/w. 3-5 of the Bhartiya Nyaya Sanhita.

2. Mr. More, the learned counsel for the applicant submits that the applicant is falsely implicated in the present crime due to previous enmity. The present FIR No. 29 of 2026 is a fallout of the earlier FIR No. 28 of 2026, dated 27.1.2026, registered on the complaint of the applicant Shaikh Faiyyaj Shaikh Sardar against the complainant in the present crime i.e. Sayyed Ismail Sayyed Sarovar who is accused No.4 in the said crime. The applicant is alleged to have assaulted by means of iron rod on the leg of the complainant. However, there are allegations in the counter FIR that the applicant was assaulted by means of iron rod on his head. The applicant is not involved in any crime earlier except for one crime for which he was released on anticipatory bail vide order dated 21.12.2022 in ABA No. 1650 of 2022. The applicant is ready to abide by

any conditions that may be imposed by this Court. The bail application of the applicant is rejected only on the ground that there was no injury certificate placed on record at the time of deciding the application by the learned Sessions Court, however, now the injury certificate, if seen, would show only simple injury sustained by the complainant. Hence, the applicant may be released on anticipatory bail.

3. As against this the learned APP vehemently oppose the application on the ground that the applicant was earlier involved in identical crime of causing grievous hurt. The applicant is directly implicated in the present crime of assault with an iron rod on the complainant. The applicant, if released on bail, may threaten the prosecution witnesses thereby causing prejudice to the prosecution case. Hence, the application may be rejected.

4. I have gone through the investigation papers made available by the learned APP. The perusal of the injury certificate issued by the Rural Hospital, Badnapur, Dist. Jalna, of Syed Ibrahim Syed Sarovar shows only tenderness to the left leg. The perusal of the order rejecting the bail by the learned Sessions Court shows that the bail was rejected as there was no medical certificate available on record. In so far as the earlier offence registered against the applicant, the applicant has annexed the order passed by this Court releasing him on anticipatory bail. The applicant is further ready to abide by any conditions that may be imposed by this Court. Thus, taking into consideration the nature of injuries sustained by the complainant and the earlier FIR bearing No. 28 of 2026 registered at the behest of the applicant, I am inclined to protect the applicant, however, on certain conditions. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No.29 of 2026, registered with Badnapur Police Station, Dist. Jalna for the offences punishable under Sections 118-1, 308-1, 296, 351-3 r/w. 3-5 of the Bhartiya Nyaya Sanhita, the applicant Shaikh Fayyaz Shaikh Sardar, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- , with one or more sureties in the like amount, on the following conditions :-

[i] The applicant shall attend the concerned police station and report to the Investigating Officer on 27th, 28th April, 2026, 4th and 5th May, 2026 between 2.00 p.m. to 5. 00 p.m. and thereafter as and when called by the Investigating Officer and shall cooperate with the investigation.

[ii] The applicant shall not tamper with the prosecution evidence.

[iii] The applicant shall not enter the jurisdiction of village Badnapur Police Station, Dist. Jalna, till filing of charge sheet.

[iv] A single violation of the conditions shall entitle the prosecution to seek cancellation of bail.

[v] The applicant shall submit her Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of her near relatives and her present address.

[vi] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.