

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3949 OF 2025

WITH

INTERIM APPLICATION NO. 3927 OF 2025

Parveen Zakir Ali Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Ganesh Gole, *with Ateet Shirodkar, i/b Husen Shaikh, for the Applicant.*

Ms. Poonam P Bhosale, *APP for the Respondent-State.*

Mr. Pradeep Havnur, *for the Respondent No.2 (Informant).*

Mr. Sudarshan Gaikwad, *PI attached to Bandra Police Station, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 25th FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 532 of 2025 dated 11th April 2025 registered with the Bandra Police Station, Brihanmumbai City for the offences punishable under Sections 103(1), 109, 118(1), 115(2), 49, 189(2), 191(2), 191(3), 190, 61(2)(c), 351(2), 352, 3(5) of the Bharatiya Nyaya

Sanhita, 2023 ('BNS'); Sections 4 and 25 of the Arms Act, 1959 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

2. The case of the prosecution, in brief, is that, there were some disputes between the First Informant and his family members and the Applicant and her family members on account of some property matters. On account of the said dispute, a verbal altercation allegedly took place on 10th April 2025 at about 8.30 p.m., which resulted into a physical assault. It is alleged that Zakir Ali Shaikh, his son of Usman Shaikh, Imran Nasir Khan @ Imma Pathan and his wife Fatima @ Kaynat Shaikh were beating up Shakir Ali Shaikh and his family members. There is a CCTV footage of the said incident. Shakir Ali Shaikh died because of the injuries. Usman Ali Shaikh and Imran Nasir Khan were armed with choppers in their hands, with which they assaulted the deceased Shakir Ali Shaikh. Zakir Ali and Fatima were alleged to have instigated and encouraged the others to continue the assault.. The First

Informant and his mother went to pacify both the parties. However, they were also abused and beaten. Imran Nasir Khan is alleged to have assaulted the Complainant and his mother with a chopper. By way of a supplementary statement, the First Informant names Khatija, the present Applicant and one Ibrahim Khatija Ali Shaikh as persons, who have joined the melee and also participated in the quarrel. The Applicant was thus, arrested on 3rd May 2025.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai. However, by order dated 18th September 2025, her bail application came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Ganesh Gole, learned counsel appearing for the Applicant, submits that the Applicant is aged 56 years and has been incarcerated for the past ten months and the charges are not framed as on date. There is no averment in the entire statement along with the FIR concerning the present

Applicant. It is only in the supplementary statement that her name appears as a lady, who had allegedly participated in the quarrel and encouraged others to continue the fight. He further submits that her health condition is a matter of concern. He has also brought to my attention the CCTV footage panchanama, which also shows the presence of the Applicant but she is not seemed to attack or assault any of the members of the other side with any weapon. In these circumstances, Mr. Gole, prays that Bail Application be allowed.

5. *Per contra*, Ms. Poonam Bhosale, learned APP representing the State in the matter, has tendered some photographs depicting the injured persons as well as the presence of the Applicant at the spot of the incident. She further submits that the Applicant has four antecedents relating to bodily offences under the India Penal Code, 1860 and submits that this reflects her criminal propensity. She thus, resists the Bail Application.

6. Mr. Prakash Havnur, learned counsel appearing for the Respondent No.2-Intervenor/Complainant, supports the submissions of Ms. Bhosale. He submits that the presence of the present Applicant is evidenced from the CCTV footage panchanama and contends that the Applicant has actively participated in the assault, which resulted into death of one of the victims. He thus, submits that the Bail Application be rejected.

7. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

8. I have also perused the order passed by the Co-ordinate Bench of this Court granting anticipatory bail to Co-accused, Farim. The said Farim was also present at the spot of the incident and is alleged to have quarreled with the Opponents. The CCTV footage as well as the statement of the Complainant reveal that the role of the said Farim is identical to that of the present Applicant. I have also perused CCTV Panchanama. The said Panchanama also records presence of

the Applicant at the spot of the incident, however, there is no overt act attributed to her at this stage. Considering that the Applicant is a woman and was arrested on 3rd May 2025 having suffered incarceration for the past ten months, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall not enter jurisdiction of Bandra Police Station, till the conclusion of the trial;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicant shall also attend the Police Station concerned once in a month on first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

v) If the Applicant holds a passport, she shall deposit the same with the Police Station concerned

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform her latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. The Bail Application is allowed in the above terms and is accordingly disposed of along with Interim Application filed therein.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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