

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Cri. Anticipatory Bail Application No.608 of 2026

Ejaz Ahmad Abdul Samad Quraishi

@ Bhanja Quraishi

Age 35 years, Occ. Labor,

R/o. Lane No.1, Golden Nagar,

Razapura, Malegaon,

Dist. Nashik, Pin – 423 203.

... Applicant

Versus

The State of Maharashtra

Through SHO Ayesha Nagar

Police Station, Malegaon,

Dist. Nashik.

... Respondent

Mr Mahendra N Sandhyanshiv, for the Applicant.

Ms Anagha A Deshmukh, APP, for the Respondent / State.

PSI Rajendra D Pagare, Ayesha Nagar Police Station, Malegaon,
Nashik.

Coram: R.N. Laddha, J.

Date: 6 April 2026

P.C.:

By way of the present application, the applicant (accused No.4) seeks pre-arrest bail in connection with CR No.47 of 2025, registered at Ayesha Nagar Police Station, Malegaon, Nashik, for the offence punishable under Sections 118(2) read

with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution's case is that, motivated by a grudge arising from a prior quarrel, on 28 July 2025 at approximately 5:45 a.m., the complainant's nephew, Jamshed (accused No.1), accompanied by three unidentified individuals with their faces concealed by handkerchiefs, approached the complainant and forcibly pushed him off his motorcycle. A physical altercation ensued, during which the accused, armed with wooden loom shuttles and pipes, allegedly assaulted the complainant, thereby causing injuries. Further investigation revealed that during the assault, accused No.1 used the wooden shuttle and struck the complainant on his legs, whereas accused No.2 used a steel rod and accused No.3 used an iron pipe to strike the complainant's arms.

3. Mr Mahendra Sandhyanshiv, the learned Counsel appearing on behalf of the applicant, while asserting the applicant's innocence, submits that the applicant has been falsely implicated in the present crime. It is contended that the applicant is locally known as Bhanja Quraishi. He points out that the applicant is not named in the FIR, nor has any specific role been attributed to him therein. It is further submitted that the statements of the eyewitnesses specifically implicate the co-

accused and do not assign any role to the present applicant. The subsequent statements of these witnesses, which are identical in nature, merely state that they were informed by the police that the applicant, along with the co-accused, was involved in the alleged assault. Such statements, being hearsay and lacking independent corroboration, do not constitute substantive material against the applicant.

4. It is further submitted that the weapons purportedly used in the commission of the crime have already been recovered, and the investigation stands concluded with the filing of the charge sheet. There remains no further recovery or discovery to be effected from the applicant, rendering his continued custody unwarranted. Furthermore, except the applicant, all co-accused have been released on bail. Mr Sandhyanshiv also submits that the applicant is willing to abide by any conditions that this Court may deem fit to impose.

5. On the other hand, Ms Anagha Deshmukh, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's prayer for pre-arrest bail. It is submitted that the applicant was actively involved in the commission of the alleged offence and has been specifically implicated by accused No.1. The learned APP further contends

that the offence is grave and serious in nature, and that the complainant has sustained grievous injuries as a result of the assault. It is apprehended that, in the event of the applicant being granted pre-arrest bail, there exists a substantial likelihood of the applicant tampering with prosecution evidence or influencing witnesses.

6. This Court has given anxious consideration to the rival contention canvassed across the Bar and perused the records.

7. From a bare reading of the records, it appears that the applicant is not named or implicated in the FIR. The allegations sought to be levelled against him are conspicuously vague, wholly bereft of material particulars, and devoid of the requisite specificity. The prosecution, in its attempt to rope in the applicant, purports to rely exclusively upon an alleged statement of accused No.1. However, a careful perusal of the charge sheet reveals a glaring incongruity inasmuch as no such statement has, in fact, been annexed thereto. Instead, what emerges are supplementary statements of certain witnesses, curiously uniform and identical in tenor, which merely assert that the said witnesses came to learn of the applicant's alleged involvement through the police machinery itself. Significantly, these statements fail to attribute any overt act, role, or

participation to the applicant in the commission of the alleged offence. In the absence of any cogent material linking the applicant to the crime in question, the prosecution's case against him rests on a tenuous and unsustainable foundation. It is also pertinent to note that the investigation has reached its logical conclusion with the filing of the charge sheet. The weapons purportedly used in the commission of the offence stand recovered, and no further custodial interrogation of the applicant appears either necessary or justified, as nothing remains to be recovered or discovered at his instance. Furthermore, the co-accused have already been released on bail. The apprehension expressed by the learned APP that the applicant may tamper with evidence or exert influence over witnesses can be effectively mitigated by imposing appropriate conditions.

8. Having regard to the totality of the circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in CR No.47 of 2025, registered at Ayesha Nagar Police Station, Malegaon, Nashik, the applicant shall be released on bail upon

executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

9. The application stands disposed of accordingly.

[R.N. Laddha, J.]