

Cnr No. MHTH010011762026

Mr. Sajeed Rauf Pawle



V/s.

The State of Maharashtra through
Daighar police Station

Order below Exh.1 in Anticipatory Bail Application No. 357/2026

1. The Applicant, Mr. Sajeed Rauf Pawle, aged 22 years, a construction worker residing at Mumbra, Thane, has preferred the present Anticipatory Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) [corresponding to Section 438 Cr.P.C.], apprehending arrest in connection with C.R. No. 972 of 2025 registered with Daighar Police Station, Thane, for non-bailable offences punishable under Sections 109, 118(1), 115(2), 352, 351(3), 189(2), 189(4), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

BRIEF FACTS

2. According to the prosecution, on 03.12.2025 at about 19:30 hrs., the Complainant's brother Kashif Khan and nephew Sufiyan Khan were returning from a gym and had stopped near Gazi Sarkar Juice Centre, Khardi Road, Thane, when an autorickshaw from Dawle Village allegedly collided with their scooty from behind. When Kashif and Sufiyan confronted the auto driver, he and his associates allegedly quarrelled with, abused, and assaulted them.

3. It is further alleged that accused Arfat Pawle instigated Zeeshan, Irfan, the present Applicant (Sajeed Rauf Pawle) and

others, and a mob assembled which assaulted the complainant's party, causing grievous injuries to Sufiyan Khan and Kashif Khan. On 04.12.2025, a cross FIR bearing C.R. No. 973 of 2025 was also registered at Daighar Police Station on the complaint of Zeeshan Irfan Pawle against Saeed Khan, Sufiyan Khan, Kashif Khan and others for offences under the BNS and the Maharashtra Police Act, 1951.

4. On 04.12.2025 at 13:41 hrs., co-accused Zeeshan Pawle, Arfat Pawle and Mujba Pawle were arrested, produced before the learned Magistrate. Weapons — including iron rods and a country-made firearm — were allegedly recovered during investigation.

5. The present Applicant was named in the FIR but, significantly, has not been arrested. The Applicant states that since registration of the FIR, police personnel from Daighar Police Station have been visiting his residence and inquiring with his family members about his whereabouts, causing him a reasonable apprehension of arrest.

BAIL HISTORY OF CO-ACCUSED

6. The Applicant draws the attention of this Court to the fact that all other co-accused persons in C.R. No. 972 of 2025 have been granted bail by this very Court, as under:

(i) Accused No. 3 Mujba Pawle — granted regular bail vide Criminal Bail Application No. 2285/2025, allowed on 02.01.2026.

(ii) Accused Farhan Pawle — granted regular bail vide Criminal Bail Application No. 130/2026, allowed on 04.02.2026.

(iii) Accused Irfan Pawle — granted anticipatory bail vide Criminal Bail Application No. 13/2026, allowed on 04.02.2026.

(iv) Accused No. 1 Zeeshan Pawle — granted regular bail vide Criminal Bail Application No. 224/2026, allowed on 23.02.2026.

Copies of all the aforementioned bail orders have been placed on record.

SUBMISSIONS ON BEHALF OF APPLICANT

7. Ld. Adv. Nikhil Sakharam Gole, appearing for the Applicant, submits as under:

(i) The Applicant is innocent and has been falsely implicated. A cross FIR (C.R. No. 973 of 2025) exists in the very same incident, clearly establishing that the present Applicant's side was also the victim of an unprovoked assault.

(ii) The incident arose spontaneously from a minor road accident; there was no prior enmity, premeditation, or common object to cause grievous hurt, attracting the principle of 'sudden quarrel' where pre-meditation is absent. The allegation of instigation is specifically and primarily levelled against co-accused Arfat Pawle, not the present Applicant.

(iii) Significantly, the chargesheet has not yet been filed against the present Applicant. All other co-accused against whom the chargesheet has been filed have been released on bail by this Hon'ble Court. It would be discriminatory and manifestly unjust to deny anticipatory bail to the Applicant when his co-accused who are

similarly or more seriously placed have all been enlarged on bail.

(iv) The weapons allegedly used in the crime have already been seized by the police from accused Zeeshan. Therefore, the physical custody of the present Applicant is not necessary for further investigation.

(v) The Applicant is a permanent resident of Thane (Dawle Village), a construction worker who earns an honest livelihood, and is not a flight risk. He is ready and willing to cooperate with the Investigating Officer, to abide by all conditions imposed by this Court, and to furnish surety and security as directed.

(vi) The Applicant undertakes that he shall not directly or indirectly make any inducement, threat, or promise to any witness or complainant, nor tamper with evidence or hamper investigation in any manner.

(vii) Reliance is placed on the Hon'ble Supreme Court's ruling in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, wherein it is held that anticipatory bail is a human-rights-oriented relief to protect citizens from unnecessary arrest and humiliation, and that personal liberty ought not to be curtailed when the accused is willing to cooperate and custodial interrogation is not essential.

SUBMISSIONS ON BEHALF OF RESPONDENT-STATE

8. The Learned APP, appearing for the Respondent-State, opposes the application on the following grounds:

(i) The Applicant has prior criminal antecedents — he is charge-sheeted in CR No. 488/2024 under Sections 324, 323, 504, 506 and

34 of the IPC, and also in GR No. 1223/2024. The Applicant is therefore not a first-time offender, and custodial interrogation is necessary.

(ii) The offences are grave and non-bailable in nature; the incident involved a pre-planned mob assembly causing grievous injuries, and the Applicant was part of the unlawful assembly.

(iii) If released on anticipatory bail, the Applicant may threaten witnesses and tamper with evidence, as the investigation is still ongoing against him. The police report (Report No. 1462/2026 dated 10.03.2026 from Daighar Police Station) specifically opposes the application.

CONSIDERATION AND FINDINGS

9. I have heard the Ld. Advocate for the Applicant and the Learned APP for the Respondent-State at length. I have perused the application, the FIR, the police opposition report, the copies of bail orders granted to co-accused, and the record placed before me.

I. On the nature and gravity of accusation:

The offences alleged are undeniably serious — the incident involved a mob assault causing grievous injuries. However, an examination of the FIR (C.R. No. 972 of 2025) reveals that the incident originated from a sudden road altercation and not from pre-planned enmity. The primary allegation of instigation is directed at co-accused Arfat Pawle. There is no specific allegation that the present Applicant either initiated the quarrel or carried any weapon. He is alleged to be part of an unlawful assembly. The gravity of

accusation, while not to be minimised, must be weighed against the specific role attributed to the Applicant.

II. On grant of bail to the co-accused:

This is the most compelling consideration in the present case. All co-accused persons — including Zeeshan Pawle (Accused No. 1, who is the principal figure and against whom chargesheet has been filed), Mujba Pawle, Farhan Pawle, and Irfan Pawle — have been enlarged on regular bail/anticipatory bail by this Court. Notably, the chargesheet has not yet been filed against the present Applicant. The Hon'ble Supreme Court has consistently held that parity is a relevant factor in the exercise of bail jurisdiction, and that it would be invidious to keep one accused in anticipation of arrest when similarly-placed co-accused have been released. In the present case, the Applicant's role, if at all, is that of a member of the assembly — a role less specifically ascribed than to Arfat Pawle (who instigated) and Zeeshan Pawle (primary accused already on bail). Non-filing of chargesheet against the Applicant further reinforces his relatively lesser culpability at this stage.

III. On criminal antecedents:

The Applicant has prior cases. However, it is on record that he has been released on bail in all those cases and has not been convicted therein. As the Hon'ble Supreme Court has observed in *Siddharam Satlingappa Mhetre* (supra), prior criminal antecedents alone are not sufficient to deny anticipatory bail where custodial interrogation is not specifically warranted for the purpose of

recovery or investigation in the present case. Weapons have already been seized from co-accused Zeeshan. The primary investigation is substantially complete.

IV. On likelihood of absconding and tampering:

The Applicant is a permanent resident of the area, a labourer with roots in the community, and has given specific undertakings regarding cooperation with the investigation, non-tampering of evidence, and non-interference with witnesses. These concerns are adequately addressed by imposing appropriate conditions. The concern regarding witness intimidation is mitigated by the fact that the Respondent-State has not placed on record any specific material to show that the Applicant has previously attempted to tamper with evidence or threaten witnesses in the present case.

V. On cross-FIR:

The existence of C.R. No. 973 of 2025 — a cross FIR registered by the Applicant's side against the complainant's party for the very same incident — is relevant context. It suggests that the incident was not one-sided and that the Applicant's family/associates were also victims of assault in the same episode. This further supports the plea that the FIR against the Applicant may be coloured by the desire to 'settle scores.'

VI. Conclusion:

In view of the above analysis and particularly in light of (a) parity with co-accused who have all been granted bail, (b) non-filing of chargesheet against the present applicant, (c) the specific role

attributed to him being that of a member of the unlawful assembly without any allegation of initiating the quarrel or carrying a weapon, (d) completion of primary investigation, and (e) the Applicant's willingness to abide by all conditions imposed by this Court, I am of the considered view that the present applicant deserves the relief of anticipatory bail, subject to stringent conditions. In the result, the Anticipatory Bail application No. 357 of 2026 is allowed. Hence, I pass following order.

ORDER

1. The Anticipatory Bail Application No. 357/2026 is ALLOWED.
2. It is ordered that in the event of arrest of the applicant, **Mr. Sajeed Rauf Pawle**, in connection with C.R. No. 972/2025 registered with Daighar Police Station, Thane, he shall be released on bail on furnishing a Personal Bond of Rs. 25,000/- (Rupees Twenty-Five Thousand only) with one solvent surety of the like amount, subject to the following conditions:
 - 1 The applicant shall fully co-operate with the investigation in C.R. No. 972 of 2025 and shall remain present before the Investigating Officer, Daighar Police Station, Thane, as and when required, as directed by this Court.
 - 2 The applicant shall not directly or indirectly make any inducement, threat, or promise to any witness or complainant, nor tamper with evidence or hamper the course of investigation or trial in any manner.
 - 3 The applicant shall not leave the jurisdiction of this Court

without prior permission.

- 4 The applicant is directed to furnish the details of his present residential address and the permanent address and the address of his one relative alongwith mobile number to I.O.
 - 5 The applicant shall surrender his passport, if any, before the Daighar Police Station.
 - 6 The applicant shall attend all dates of hearing before the Trial Court / Sessions Court and shall not abscond from justice.
 - 7 Any breach of any of the above conditions shall entitle the Respondent-State to apply for cancellation of bail.
 - 9 The respondent-State is at liberty to apply for modification or cancellation of this bail order on the ground of breach of conditions or change of circumstances.
3. Inform to the concerned police station.

Date: 20.03.2026

(V. L. Bhosale)
Additional Sessions Judge, Thane.