

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM**  
*(Presided over by M. S. Sahastrabudhe)*

**Criminal Bail Application No. 73/2026**  
**CNR No. MHWS010002512026**

**Applicants** : 1) Shaikh Rafiq Shaikh Hasan  
Aged about 58 Yrs, Occup. Labour  
2) Shaikh Hamid Shaikh Hasan  
Aged about 45 Yrs, Occup. Labour  
3) Shaikh Rashid Shaikh Hasan  
Aged about 52 Yrs, Occup. Labour  
All r/o. Malegaon,  
Tq. Malegaon, Dist. Washim.

- Vs. -

**Non-applicant** : State of Maharashtra,  
Through Police Station Officer,  
Malegaon, Tq. Dist. Washim.

**Application under Section 482 of B.N.S.S., 2023 for anticipatory bail.**

**ORDER BELOW EXHIBIT No. 1**  
*(Passed on 30<sup>th</sup> day of March 2026)*

The present application is filed by the applicants under Section 482 of B.N.S.S. in crime No.643/2025 of Malegaon Police Station registered for the offence punishable under Sections 109, 189(2), 191(2), 191(3), 190, 125, 118(1), 115(2), 126(2) of BNS, 2023.

2. In brief, it is the contention of the applicants that informant had lodged report alleging that on 24/12/2025 in morning at about 8.30 a.m. son of the informant Shaikh Ezaz was going on his

motorcycle, at that time accused No.1 Shaikh Shafiq had assaulted Shaikh Ezaz with sword on his head, due to which Shaikh Ezaz has sustained bleeding injury on his head. At that time, applicant no.1 had thrown big stone (*Dagadi Fali*) from the slab of his house on the head of Shaikh Ezaz, due to which he was seriously injured and became unconscious. Hearing the shouting of Shaikh Ezaz, informant went to the said spot, at that time, accused No.3 Shaikh Sameer had assaulted him with Axe on the right side of his head. So also, he as well as applicant No.3 had assaulted Shaikh Ezaz with iron pipe. Applicant No.2 had assaulted the informant with iron pipe on his hand, due to which the informant had sustained two fractures and Shaikh Ezaz had sustained injury on his left wrist. At the relevant time, other accused were pelting stones on the informant and his son from the slab of their house. Due to which they have sustained the injuries. Both the informant and son were taken to hospital at Medshi for treatment. However, as Shaikh Ezaz was seriously injured he was referred to Government Hospital Akola and further he was referred to Government Hospital Nagpur for treatment. Shaikh Ezaz is still undergoing treatment due to serious injuries. The accused persons have assaulted the informant and his son, as they have not compromised the matter pending before the Court. Hence, the report of the incident was given on 27/12/2025 by the informant in police station Malegaon.

3. It is the contention of the applicants that the informant had given false report against them. Actually accused persons have entered the house of these applicants and FIR is given by them against the informant and Shaikh Ezaz. As a counter blast, the informant has lodged false report. There is delay in FIR given by the informant. As far

as these applicants are concerned, their custodial interrogation is not required and nothing is to be seized from their possession. If at all the applicants are arrested they would suffer hardship. Hence, they have prayed to allow the application and to grant of anticipatory bail.

4. The said application is strongly opposed by the Id. APP and I.O. by filing say below Exh.6. It is their contention that accused Shaikh Shafiq had surrendered in police station and one sword, one Axe, three iron pipes i.e. weapons used for the commission of the offence are seized. The clothes and blood samples of the said accused are already seized. The offences leveled against the applicants is serious in nature. The injured Shaikh Ezaz is still under going treatment. The informant and all the accused are residing adjacent to each other and due to continuous fights between them, several offences are registered by them against each other. The applicants and other accused are absconding. The offences leveled against them are of serious nature. Hence, it is necessary to arrest the applicants for getting the whereabouts the absconding accused and also for thorough investigation of the offence. If at all, the bail is granted to the applicants, there is possibility that they might tamper the prosecution evidence and might pressurise the prosecution witnesses. Hence, they have prayed the application be rejected.

5. The said application is also opposed by the informant by filing say below Exh.07. He has stated that the I.O. is not properly investigating the matter as such he has filed complaint to Superintendent of Police, Washim. He further submitted that the previous bail applications of other accused was rejected by the Court, hence the present application is without merits and it also needs to be rejected.

6. Id. advocate for the applicant has argued in accordance with contention of the application. He has submitted that there are not specific allegations against the applicants of assaulting the injured. Bail is already granted to the other accused by Hon'ble High Court and bail application of these accused needs to be allowed. Considering the role attributed to the applicants, their custodial interrogation is not necessary and nothing is to be recovered from their possession, hence, the application needs to be allowed.

7. On the other hand, the Id. APP has argued in accordance with the say of I.O. and further submitted that the bail applications of other accused are rejected by this Court. Though bail is granted to some of the accused by Hon'ble Court still the role of those accuse is deferent from the role of the applicants in commission of crime. Accordingly he has prayed the application be rejected.

8. Considering the submissions of both sides, so also on perusal of the case diary, it appears that FIR is given by the informant specifically alleging that the accused have assaulted him and his son because they have refused to compromise the matter. From the say of Investigating Officer and APP it appears that four to five counter criminal cases are already pending between the informant, injured and accused persons. From the say of I.O., it appears that the informant, injured and has family members, due to threat of the accused have left their house. Though it is argued by Id. advocate for the applicants that counter cases filed by them against the informant and his son, still the said counter cases appears to have been filed subsequently to the FIR in the present case. The accusation against the accused persons including applicants are well founded. Specific role is attributed to the applicants and it is specifically stated that the applicant have assaulted

the informant and the injured with big stone (*Dagadi Fali*) and iron pipes. Hence the applicants are not entitled for the grant of bail on the ground of parity.

9. It also cannot be disregarded that the informant and accused are residing in the neighbourhood and criminal cases are already pending against the accused and present offences has occurred only because the informant and his son have refused the compromise the matter. The investigation is still in progress and other accused are still absconding. Hence, arrest and custodial interrogation of the accused will be necessary. Considering all these aspects, applicants do not deserve for anticipatory bail and accordingly I proceed to pass the following order :-

**ORDER**

Application stands rejected.

Place : Washim  
Date : 30/03/2026.

(M. S. Sahastrabudhe)  
Addl. Sessions Judge, Washim.

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Crim. Bail. Appln. No.73/2026

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer :- Nitin B. Khandare, Stenographer (Grade-1)  
Court Name :- District Judge-3 & Additional Sessions Judge, Washim  
Date :- 30/03/2026  
Order signed by the Presiding Officer on :- 30/03/2026  
Order uploaded on :- 30/03/2026