

Cri.B.A.No.182/2026
Sk.Rashid v. State
MHWS010006002026

Order below Exh.1.

The applicant Shaikh Rashid Shaikh Hasan has filed present application for grant of anticipatory bail under section 482 of the BNSS, 2023 apprehending his arrest in crime no.643/2025 for the offence punishable under Sections 191(3), 191(2), 190, 189(2), 126(2), 125, 118(1), 115(2), 109 of BNS 2023 registered with Police Station Malegaon, Tq.Malegaon, Dist. Washim.

2. Heard learned advocate for the applicant/accused and learned APP for the State. Perused the case diary.

3. It is the case of the prosecution that informant Shaikh Ikbāl Shaikh Abdul lodged report alleging that he has two sons namely Shaikh Ijaj and Shaikh Aivaj. It is submitted that on 24/12/2025 at about 08.30 am, when her sons were going from lane, accused Shaikh Shafik restrained him and assaulted to his son Shaikh Ijaj on his head by means of sword due to which blood was oozing from his head. At the same time, accused Shaikh Rafik threw a stone/dagadi fadi from slab on his head therefore, Ijaj sustained severe injury on his head. After hearing shout of 'Are bapare' informant reached there. At that time, Shaikh Samir Shaikh Rafik assaulted by axe on the head of informant. Accused Shaikh Samir, Shaikh Rashid (present

applicant) also assaulted by iron pipe to informant and his younger son Aivaj. Accused Sultanabi Shaikh Rafik, Asmabi Shaikh Shafik, Ribinabi, Gorbi Shaikh Hamid, Sofiyabi Shaikh Rashid pelted stones on our persons therefore we sustained bruise injury. Since the son of informant namely, Ijaj is severely injured he was referred to Nagpur for further treatment. At Nagpur surgery was performed on his head. Hence, informant lodged report to police station.

4. It is further submitted that FIR is registered on 24/12/2025 and report lodged by informant on 27/12/2025. The explanation of said delay is not explained by the informant. It is submitted that there is counter cases registered against the informant and accused persons. Nothing is to be seized from the present applicants/accused. On perusal of FIR prima facie it is seen that nothing is to be seized from the present applicant/accused. The allegations leveled against the accused are vague in nature. The applicant/accused has no nexus with the alleged offence.

5. The investigation is completed and charge sheet has been filed in the Court. Co accused in this crime are released by this Court. Hence, it is just and proper to grant anticipatory bail to the present applicant/accused as well on the ground of parity. It is submitted that The applicant/accused is ready to abide by any conditions imposed by the Court while granting him anticipatory bail. He further submitted that this is his first bail

application after filing charge sheet and no any other application of this applicant is pending before Hon'ble High Court or in any District and Sessions Court. Hence, prayed to allow the application.

6. The learned APP and investigating officer have filed say vide Exh.06 and objected the application on the ground that the offence is of serious in nature. There is direct involvement of the present accused. The statement of injured Shaikh Ejaj Shaikh Ikbali is yet to be recorded. The accused and informant are resident of same village and there is counter cases registered against each other. The weapon used in offence is yet to be seized. If accused is granted anticipatory bail, he may pressurize the informant and witnesses and may tamper prosecution evidence. Hence, prayed to reject the application.

7. The informant appeared and filed reply to the application and objected the application of applicant/accused. It is submitted that the accused are habitual offender. If applicant is granted anticipatory bail, he may tamper prosecution evidence. The accused have beaten to the informant and his son and caused severe injury to them. They also threatened to kill. The accused are absconding for last 3-4 months. Hence, prayed to reject the application.

8. After going through the record it appears that the criminal bail application of this applicant along with other two

accused is rejected by the District and Sessions Court, Washim on 30/03/2026.

9. I have gone through the record and objection filed by the complainant. It appears that the role of this applicant is that he assaulted Ijaj by iron rod. The co accused Sk.Shafik Sk.Rafik is released on regular bail by this Court. It also appears that the statement of injured Shaikh Ijaj Shaikh Ikbali is not recorded. I have also gone through the case diary it appears that the investigating officer most of the time called injured for recording his statement but he did not approach to the Investigating Officer. So also, the complainant is also not furnished the details of injured Ijaj to the Investigating Officer till this date. Charge sheet has been submitted in the Court. Considering the contents of affidavit of injured Ijaj, the applicant is deserve to grant bail application subject to stringent condition. In the result, following order is passed.

ORDER

1.	Application is allowed.
2.	In the event of arrest of the applicant/accused Shaikh Rashid Shaikh Hasan in connection with crime no.643/2025 for the offence punishable under Sections 191(3), 191(2), 190, 189(2), 126(2), 125, 118(1), 115(2), 109 of BNS 2023 registered with Police Station Malegaon, Tq.Malegaon, Dist. Washim, he shall be released on bail on furnishing a PR Bond of Rs.25,000/- with one solvent surety in the like amount.

3.	Applicant/accused shall not pressurize the informant/victim and the witnesses and shall not contact with the victim in any manner.
4.	Issue intimation to concern police station.
5.	Breach of any condition as mentioned above, the prosecution has liberty to file the application of cancellation of bail of applicant.
6.	Hamdast allowed.

Date : 11/06/2026

(V. D. Ingle)
Additional Sessions Judge,
Washim.

CERTIFICATE

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

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.V.D.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 11/06/2026
Judgment/Order signed by the Presiding Officer on	:- 11/06/2026
Judgment/Order uploaded on	:- 11/06/2026