

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1546 OF 2023

NASIR AHMED SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
WITH BAIL APPLICATION NO.1547 OF 2023

ADNAN EAJ SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
WITH BAIL APPLICATION NO.1457 OF 2023

SAMIR SALIM SHAIKH @ SALIM SHAIKH MAWAWALA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Shaikh Mazhar A. Jahagirdar
APP for Respondent/State : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 14-09-2023

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The applicants are seeking bail in C.R.No.I-0241 of 2023 registered with Tofkhana Police Station, Ahmednagar, for the offences punishable under Sections 307, 323, 143, 147, 148 and 149 of the Indian Penal Code and Sections 4/25 of the Arms Act.

3. Admittedly, the chargesheet has been filed. The allegations against applicant Nasir Ahmed Shaikh were that he assaulted with chopper, but no chopper injuries were found. The police did not recover chopper from him. His earlier bail application had been filed before the chargesheet and it was withdrawn, so this is his first bail application.

4. As far as the applicants Adnan Ejaj Shaikh and Samir Salim Shaikh @ Salim Shaikh Mawawala are concerned, they were not captured in the CCTV footage. Applicant Samir is not named in the first information report. Nothing is to be recovered from them. The chargesheet is also filed against them. It was a riot between people of two religions. Sufficient time has been lapsed. So, it may be presumed that law and order in the vicinity has come to normalcy. Similarly situated co-accused have been released on bail. Hence, applicants Adnan and Samir deserve parity. No purpose would be served by keeping them behind bars for uncertain period. Hence, the order:-

- i) Applications are allowed.
- ii) Applicants Nasir Ahmed Shaikh, Adnan Ejaj Shaikh and Samir Salim Shaikh @ Salim Shaikh Mawawala in B.A.No.1546, 1547 and 1457 of 2023 respectively, be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.I-0241 of 2023 registered with

Tofkhana Police Station, Ahmednagar, for the offences punishable under Sections 307, 323, 143, 147, 148 and 149 of the Indian Penal Code and Sections 4/25 of the Arms Act, on the conditions that,

- (i) They shall not tamper with the prosecution witnesses.
- (ii) They shall attend the trial on every effective date.

(S. G. MEHARE)
JUDGE

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