



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 9 OF 2025

Shaikh Nayyum S/o. Shaikh Mehaboob,  
Age : 21 years, Occu. : Labour,  
R/o. Maltekdi, Gurudwara,  
Nanded, Tq. & Dist. Nanded.

... Applicant.

Versus

1. The State of Maharashtra,  
Through Police Station Officer,  
Rural Police Station Nanded,  
Tq & Dist. Nanded.

2. The Superintendent of Police,  
Nanded, Tq. & Dist. Nanded.

... Respondents.

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Mr. S. W. Munde, Advocate for Applicant.  
Mr. S. B. Narwade, APP for Respondents - State.

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 25 MARCH, 2025**

**PRONOUNCED ON : 27 MARCH, 2025**

**ORDER :**

1. Present application is for grant of bail on account of arrest of applicant in Crime No.302 of 2024 registered at Nanded Rural Police Station, Dist. Nanded for offence punishable under sections 302, 307, 143, 147, 148, 149 r/w 34 of Indian Penal Code and under sections 4/25 and 4/27 of the Arms Act.

2. It is submitted that, applicant is falsely arrested on

18.04.2024. That, he is not named in the FIR. That, none of the witnesses also named him. That, after ten days, supplementary statements of informant and other witnesses are recorded and that time applicant is named amongst other persons for assaulting injured i.e. on incident which allegedly took place on 12.04.2024. Learned counsel submitted that deceased died on 22.04.2024 due to some head injury, but applicant is not responsible for the same. He submitted that, even in statement under section 164 of Cr.P.C. witnesses have not named him and no role is attributed to him. Now, investigation is over and charge sheet is filed in July 2024 itself. Thus, according to him, matter is not committed and future course of trial is uncertain and applicant being behind bars since almost a year, he is sought to be enlarged on bail.

3. While opposing the bail application, learned APP submitted that, serious offence is committed. That, there is use of sword. That, there are eye witness account. That, incident is in the backdrop of earlier quarrel. That, in the eye witness account, role is still crystallized. According to learned APP, three accused are still absconding. For above reasons, application is opposed.

4. Heard. Perused the FIR dated 13.04.2024 at the instance of one Sayed Khan Naseer Khan. He reported that, on

12.04.2024, his contractor Munnasinh Thakur and his associates Aayan Ayub Shaikh, Shaikh Aayan Shaikh Rauf and Sayed Pathan had been to take dinner at the house of Shaikh Matin. There his contractor Munnasinh informed about quarrel with Sikander and he being given beating. On 13.04.2024, when he, Munnasinh Thakur, Aayan Abu Shaikh, Shaikh Aayan Shaikh Rauf and Sayed Pathan were chatting near house of Shaikh Matin, four persons came on three motorcycle covering their faces and were carrying Khanjar / Sword and assault was mounted on Munnasinh Thakur. Informant claims that, handkerchief covering face of assailant slipped and that time he saw that person and he was Sikander. Injured Munnasinh was taken to hospital. Hence, he lodged report against Sikander and two to three other persons.

5. Informant's supplementary statement is recorded, but on 27.04.2024 i.e. after almost two weeks and in such statement he gave names of some more persons regarding some occurrence taking place on the night of 12.04.2024 with Munnasinh with Naeem, Chakya Bokare, Shahabaz and his friends. Applicant seems to be arrested long back with persons named therein. In supplementary statement there is reference of some alleged friends of above named persons for assaulting Munnasinh, who allegedly succumbed by assault on 13.04.2024.

6. Precisely joint assault is attributed. Initially crime is registered under section 307 of IPC, but subsequently as injured expired, crime is converted into 302 of IPC. Applicant is behind bars since almost 11 months. No criminal antecedents are reported by learned APP. As there is uncertainty about commencement of trial itself, application deserves to be allowed.

**ORDER**

I. The application is allowed.

II. Applicant Shaikh Nayyum S/o. Shaikh Mehaboob be released on bail in connection with Crime No.302 of 2024 registered at Nanded Rural Police Station, Dist. Nanded, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**(ABHAY S. WAGHWASE, J.)**