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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.157 OF 2025

Sk. Rahim S/o. Sk. Lal
Age: 25years, Occu.: Education,
R/o. Milk Dairy Rahimpur, Nanded,
Tq. and Dist. Nanded. ... Applicant

Versus

1. The State of Maharashtra
2. The Superintendent of Police,
Nanded, Dist. Nanded ... Respondents

.....
Mr. A.D. Hande, Advocate for Applicant
Mr. P.K. Lakhotiya, APP for Respondents – State
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 11 MARCH 2025
PRONOUNCED ON : 12 MARCH 2025

PER COURT :-

1. Applicant seeks grant of bail on account of his arrest in Crime No.0620 of 2024 registered at Nanded Rural Police Station, District Nanded for offences punishable under Sections 103(1), 191(2), 191(3), 190, 351(3)61(2) of the Bharatiya Nyaya Sanhita (BNS) and under Section 4/25 and 27 of the Arms Act.

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2. Learned counsel for the applicant pointed that applicant is arrested in July 2024. That, no specific role is attributed to the present applicant. Allegations are about assault by eight persons and all are booked. He pointed out that allegations of actual overtact are attributed to other co-accused. That, name of applicant is reflected for merely being in the company of other co-accused on one occasions, but on the date of occurrence, no overtact is attributed to him. He further submitted that, investigation is over and charge-sheet is filed in October 2024. Therefore, according to him, when there are no prospects of matter going for trial, and no purpose would be achieved by further detention of the applicant, learned counsel seeks grant of bail.

3. Learned APP opposed the bail application on the ground that applicant is named in the FIR. That, deceased died due to multiple injuries. That, there are allegations of assault by means of sword and deadly weapons. Learned APP also expressed apprehension of misuse of liberty.

4. Heard. Perused the report dated 18.07.2024 at the instance of one Shaikh Arbaz Shaikh Shakil, who has reported that on 14.07.2024, around 04:00 p.m., while he was in the

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house, Rehman Pathan and his brother Ajju Pathan, Gaus Pathan, Shaikh Rahim Shaikh Lal (present applicant) and Noorkhan Husain Khan Pathan came to their house and questioned whereabouts of Shehbaj Shaikh on account of previous dispute. Informant has reported that, such persons had came with a sword and had issued life threats. He further reported that, after two days, i.e. on 16.07.2024 at around 11:00 p.m., he received phone call from Shaikh Abdul Shaikh Bashir regarding informant's brother Shehbaj being done to death by someone near Zilla Parishad School. Therefore, report was lodged against Rehman Pathan and his brother Ajju Pathan, Gaus Pathan, Shaikh Rahim Shaikh Lal and Noorkhan Husain Khan Pathan Ajij, Pavan and Nasima Begum have committing murder by means of sword and *Khanjar*.

5. However, on going through the statement of Shaikh Abdul Shaikh Bashir, he has reported about receiving phone call from Sahikh Fayyaz regarding Shehbaj being done to death. But, surprisingly, statement of Shaikh Fayyaz is not in the charge-sheet. Deceased died due to multiple stab injuries with cut throat and head injury. There are as many as 52 incised wounds and the same are reflected in the postmortem report, which is part of the record.

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6. Therefore, taking into consideration the above material, applicant is named for visiting the house of informant on 14.07.2024, while in company of persons holding sword and again his name is reappearing in the occurrence, which allegedly took place on 16.07.2024, resultantly, this Court is not inclined to grant bail at this stage. Hence, the following order:

ORDER

The application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane