



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 164 OF 2025

Dhanya @ Danish Faruk Shaikh,
Age 36 years, Occupation Labour,
R/o Tambatkar Galli, Telikhunt,
District Ahmednagar.

... Applicant

Versus

The State of Maharashtra
Through Tophkhana Police Station,
District Ahmednagar.

... Respondent

.....

Mr. Nilesh S. Ghanekar, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 24.03.2025

Pronounced on : 25.03.2025

ORDER :

1. Applicant seeks enlargement on bail on account of his arrest in crime no. 541 of 2024 of registered at Tophkhana Police Station, District Ahmednagar for offences punishable under Sections 307, 324, 336, 143, 147, 148, 149 r/w 34 of IPC, Section 37(1)(3) of the Maharashtra Police Act and Sections 3/25, 4/25 of the Arms Act.

2. Learned counsel pointed out that, applicant is arrested in above crime on 21.06.2024. According to him, there are allegations of inflicting blows by axe, but only one injury is on the neck and that too, is superficial, as according to him, it is so evident from the injury

certificate which reflects length and breadth of injury. According to him, rest of the injuries are simple. He pointed out that applicant and injured are conducting tours and travels business jointly. Sudden quarrel resulted in above occurrence after initial brawl due to soliciting travellers. That, investigation is now over and charge sheet is filed in August 2024 itself. As no further recovery is shown to be made and when there are no prospects of either matter getting committed, charge being framed or matter going for trial, he urges for bail on any condition deemed fit by this Court.

3. Learned APP opposed the application and pointed out that there is use of axe, that too on the neck of injured. Coupled with use of axe, there is use of firearm while injured was escaping. Axe is seized. Applicant has criminal antecedents of similar nature and as such, according to him, it is unsafe to enlarge the applicant on bail, as there is both, possibility of repeating similar crime and misusing the liberty.

4. Heard. Perused the FIR dated 28.04.2024 at the instance of the injured, who gave statement in hospital that he himself, present applicant and one Sahil had quarrel on the count of soliciting travellers for conducting business near Maliwada Bus Stand. That, on

27.04.2024, he claims that present applicant came armed with axe and gave blow on his neck whereas accused Sahil also inflicted blow with axe, but it was warded off. When he was running to save himself, one Ufer @ Lala and Ganesh Pote gave blows by chopper and one Talib hurled stone. He further reported that, while he was fleeing from the lane and when he turned back, present applicant allegedly was seen firing at him.

5. Learned APP has made a statement that, empty shell is recovered from the spot. Axe is shown to be already recovered. Applicant is said to be behind bars since almost nine months. Investigation is said to be over and charge sheet is filed way back in August 2024. Charge is yet to be framed. Therefore, uncertainty prevails about commencement and conclusion of trial. Taking the above period of pre trial incarceration, relief of bail deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. Applicant Dhanya @ Danish Faruk Shaikh be released on bail in connection with Crime No. 541 of 2024 of registered at Tophkhana Police Station, District Ahmednagar, on executing Personal Bond of Rs. 50,000/- with one surety in the like amount, on the following conditions:

- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not enter the vicinity where informant resides, till conclusion of trial.
- [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday 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.]

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