



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 172 OF 2025

1. Jahir Khadir Shaikh
Age 40 years, Occupation Labour,
R/o. Gandhanpura, Tq. Majalgaon,
District Beed.
 2. Rafiq Khurshid Sayyed
Age 25 years, Occupation Labour,
R/o. Gandhanpura, Tq. Majalgaon,
Dist. Beed.
- ... Applicants.

Versus

1. The State of Maharashtra,
Through Officer Incharge,
Police Station Majalgaon (City),
District Beed.
 2. The Superintendent of Police,
Beed, District Beed.
- ... Respondents

**WITH
CRIMINAL APPLICATION NO. 613 OF 2025
IN
BAIL APPLICATION NO. 172 OF 2025**

Sajed s/o Samandar Pathan
Age : 38 years, Occu. : Business,
R/o Tanaji Nagar, Majalgaon,
Taluka Majalgaon, District Beed.

... Applicants

Versus

1. Jahir s/o Khadir Shaikh
Age : 37 years Occu: Agri,
R/o Gandhrpura, Majalgaon,
Taluka Majalgaon, District Beed.

2. Rafiq s/o Khurshid Sayyed
Age : 36 years, Occu. Agri,
R/o Gandhrpura, Majalgaon,
Taluka Majalgaon, District Beed.
3. The State of Maharashtra
Through Police Inspector,
Majalgaon City Police Station,
Taluka : Majalgaon, District Beed. ... Respondents.

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Mr. S. J. Salunke, Advocate for the Applicant in BA/172 of 2025 and Respondent Nos. 1 and 2 in Cri.Appln/613/2025.

Mr. N. D. Batule, APP for Respondent Nos. 1 and 2 in BA/172/2025 and Respondent No.3 in Cri.Appln/613/2025.

Mr. Mayur V. Salunke, Advocate for the Applicant in Cri.Appln/613/2025.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 04.03.2025

Pronounced on : 05.03.2025

ORDER :

1. Criminal Application No. 613 of 2025 is at the instance of original informant, seeking permission to assist APP in prosecuting the bail application. For the reasons mentioned in the application, applicant-original informant is permitted to assist APP. Criminal Application No. 613 of 2025 is accordingly disposed off.

2. Bail Application No. 172 of 2025 is for grant of regular bail on account of arrest of applicants on 22.09.2024 and 23.09.2024 respectively, in crime no. 0359 of 2024 registered at Majalgaon City

Police Station, District Beed for offences punishable under Sections 109, 352, 3(5) of the Bharatiya Nyaya Sanhita [BNS] and Sections 4/25 of the Arms Act.

3. Learned counsel submitted that allegations are of attempt to commit murder. That, victim injured is already discharged from hospital. That, there are allegations of assault by knife and sickle. He submits that, alleged incident had taken place in the backdrop that injured was instrumental in seeking divorce of informant's niece from one of the applicants i.e. Rafiq. In such backdrop, there are allegations of assault. He would submit that injury certificate shows that injuries are simple. That, recovery is already effected and nothing further is shown to be recovered or discovered. That, investigation is over and charge sheet is already filed on 19.12.2024. Consequently, as applicants are ready to abide any condition imposed by this Court, learned counsel urges for grant of bail.

4. Learned APP as well as learned counsel assisting APP, both have strongly opposed on the ground that injured has been assaulted by means of knife and sickle on neck, head and other parts of the body. That, there is CCTV footage. Learned counsel for informant pointed out that attempt was made to tamper the evidence by making

phone call, of which NC is registered. Learned APP pointed out that, both applicants are history sheeters and many crimes are registered against them. Hence, on above count, relief is opposed.

5. Perused the FRI dated 10.09.2024 at the instance of one Sajed Samandar Khan Pathan, who reported police that on 10.09.2024 itself, around 1.30 p.m., his brother Sattar (injured) along with friends Irshad, Atiq and Aasef had been to the office of MIM near Panchavati Hotel, Majalgaon as their acquaintance was coming from Aurangabad and as such, keys of the office were to be handed over. At that time, it is alleged that present applicants and one Aamer Anwar Momin arrived on Bullet motorcycle and started hurling abuses. It is reported, that when his brother Sattar went to question the abuses, Rafiq hit *koyta* (sickle) on his head, whereas Aamer and Jahir assaulted him by means of knife on back and other parts of the body, as a result of which Sattar collapsed in pool of blood and became unconscious. Seeing arrival of Aasef and Irshad, assailants fled on motorcycle. It is further informed that in the hospital, when Sattar was asked about reason of assault, it is allegedly reported that, as niece of informant gave divorce to applicant Rafiq on account of beating to her, in anger and annoyance, above assault was made. Photographs of injured are also placed on record.

6. On visiting injury certificate, injured Sattar is shown to have suffered incised wound on left lateral side of neck, two CLWs on parietal and scapular region coupled with contusion on the site of injury no. 2. It is certified that injury no.1 is due to hard and sharp weapon. Though investigation is over and charge sheet is filed, taking the above material into consideration, along with the gravity of offence, and there being direct evidence, this Court is not inclined to grant relief at this stage. Hence, I proceed to pass the following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

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