



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 256 OF 2025

Shaikh Sameer Shaikh Azim,
Age : 28 years, Occ. Labour,
R/o Indira Nagar, Baijipura,
Galli No.28, Aurangabad.

... Applicant
[Orig. Accused]

Versus

The State of Maharashtra,
Through Police Station Officer,
Jinsi Police Station, Aurangabad,
Tq. & Dist. Aurangabad.

... Respondent

.....
Mr. Dhananjay S. Patil, Advocate for the Applicant.
Mr. V. M. Chate, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 26.02.2025

ORDER :

1. Applicant seeks grant of regular bail in crime no. 0332 of 2024 registered at Jinsi Police Station, District Chhatrapati Sambhajnagar for offences punishable under Sections 109, 118(1), 118(2), 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita (BNS) and Section 135 of the Maharashtra Police Act.

2. Learned counsel pointed out that applicant is arrested in above crime on 16.01.2025. That, regarding alleged occurrence dated

22.12.2024, FIR is registered on 23.12.2024. Learned counsel further pointed out that applicant is firstly not named in the FIR. In the supplementary statement of informant, which is recorded after eight days, applicant is also named. However, no allegation of any overt act is attributed to him except allegedly issuing directions to other accused. Learned counsel, on this count, took this Court through the remand report. He thus submits that nothing is alleged against the applicant for using any article and as such, nothing is to be recovered or discovered at his instance. Learned counsel submits that applicant will cooperate in the investigation and is also ready to abide all and any conditions imposed by this Court.

3. Learned APP opposed on the ground that though applicant is not named in the FIR, there are eye witnesses, namely Rafiq, Sameer and Riyan and in their statements, presence of applicant has come. That, serious offence is committed and investigation is still in progress and on such count, bail is opposed.

4. Heard. Perused the FIR dated 23.12.22024 at the instance of one Shaikh Sohail and he has reported that on 22.12.2024, while he was in the vicinity of Nupur theater, he got telephonic call from his brother Sameer informing that person by name Aayan and his

associates are beating him. Resultantly, informant claims to have rushed at Baijipura Galli and there he has seen Aayan Jahagirdar, Mujammil and Shaikh Shoeb (cousin of accused Aayan) beating his father Shaikh Rafiq as well as brother Sameer by means of iron rod and fist blows. He has alleged that he was also caught by Aayan after which, Mujammil took out knife and stabbed him.

5. Present applicant is apparently Shaikh Sameer Shaikh Azim. At least in the FIR, as pointed out, he is not named and no overt act is attributed to him. In the supplementary statement, his named seems to have cropped up, wherein there are allegations of he directing others to not to spare alive. Though learned APP submitted that applicant was armed with iron rod, he also could not point out from the statements of persons, to whom he names to be eye witnesses, regarding any such role being specified against present applicant. Resultantly, when no overt act is attributed to the applicant, and consequently nothing is shown to be recovered at his instance yet, applicant deserves protection as prayed. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. Applicant Shaikh Sameer Shaikh Azim be released on bail in connection with Crime No. 0332 of 2024 registered at Jinsi Police Station, District Chhatrapati Sambhajnagar, 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 enter Baijipura area in Chhatrapati Sambhajnagar city 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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