



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

BAIL APPLICATION NO. 33 OF 2025

Chand Noor @ Ayan Shaikh
Age: 19 years, Occu.: Agri.,
R/o. Jamkhed, Tq.Jamkhed,
Dist.Ahmednagar.

..Applicant

Versus

The State of Maharashtra
Through Police Station Incharge
Jamkhed Police Station,
Tq.Jamkhed, Dist.Ahmednagar.

..Respondent

....

WITH

**CRIMINAL APPLICATION NO. 465 OF 2025
IN BA/33/2025**

. Rohit Ratan Mhaske
Age: 21 years, Occu.: Education,
R/o. Kolhe Wasti, Jamkhed,
Tq.Jamkhed, Dist.Ahmednagar.

..Applicant
(Brother of orig. complainant)

Versus

1. Chand Noor @ Ayan Shaikh
Age: 19 years, Occu.: Agri.,
R/o. Jamkhed, Tq.Jamkhed,
Dist.Ahmednagar.

2. The State of Maharashtra
Through Police Station
Jamkhed Police Station,
Tq.Jamkhed, Dist.Ahmednagar.

..Respondents

...

Advocate for Applicant in BA/33/2025 : Mr. Abhijit S. More
APP for Respondent – State : Mr.V.M.Jaware
Advocate for Informant / Assist to PP : Mr.N.C.Garud

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 06 FEBRUARY, 2025

ORDER :

1. Applicant seeks grant of bail on account of his arrest in crime no.0303 of 2024 registered at Jamkhed Police Station, Dist.Ahmednagar, for offence under Sections 307, 326, 324, 341 read with 34 of the Indian Penal Code (IPC) and under Sections 4, 25 of the Arms Act.
2. Criminal Application No.465 of 2025 is filed by the brother of original informant seeking permission to assist Public Prosecutor. The said application is allowed.
3. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 12-06-2024. That, alleged occurrence is of 10-06-2024 but FIR is lodged after delay of one day i.e. on 11-06-2024. He pointed out that there are allegations that present applicant assaulted injured by means of stick. That, there is injury certificate showing grievous injury, but it is due to sharp weapon and stick cannot cause such injury. Therefore, according to him,

prosecution story does not reconcile. That, applicant is behind bars since almost six months. That, nothing further is to be recovered or discovered at the instance of applicant and hence, he seeks relief of regular bail.

4. Learned APP strongly opposed application on the ground that serious offence is committed. That, applicant is named. According to him, though present applicant has been attributed role of using stick, other accused with him were armed with deadly articles. That, Section 34 has been invoked. For all above reasons, he opposed bail application.

5. Mr.Garud, learned Advocate for brother of original informant took this Court through photographs as well as statements of eye witness namely Kiri Anil Duche. He too submits that going by the photographs, it is clear that injured had suffered grievous injury. That, photograph itself is evident that there was attempt to commit murder. He further submitted that only because of medical intervention, injured has survived. He also took this Court through the injury certificate and strongly opposed the application.

6. Heard each of the sides. Perused the FIR dated 11-06-2024 at

the instance of one Ashok Ratan Mhaske. Substance of the FIR is that on 10-06-2024, at around 09:00 p.m., when he was returning home on motorcycle, near Shri Sai Kirana, he was gestured to stop. When he halted motorcycle, it is alleged that his previously acquainted person namely Pramod Pravin Ghaitadak took out the keys of the ignition of the motorcycle and at that time, his associates namely Salman Attar, Rohit Shivaji Gaikwad and present applicant surrounded him and he was asked why he is giving angry stare and said Pramod Ghaitadak threatened to show him. Saying so, said Pramod assaulted him by means of koyata on the hands. As regards to present applicant is concerned, he and Rohit allegedly hit the injured with sticks on legs and back respectively. On above statement, while undergoing treatment, crime seems to have been registered. Photographs placed on record show that injured had suffered grievous injury on hand. However, apparently, said injury is attributed to sharp object.

7. Allegations against present applicant are that he used stick. As pointed out that there is statement of eye witness Kirti Anil Duche and she has narrated that on 10-06-2024, she saw Ashok being assaulted by 3-4 persons and he was chased by them and they all

went towards tin shade and there, she has alleged that there was assault by means of knife, Koyata, lathi, kathi. Apparently, injured himself attributed role of use of stick to present applicant. Allegations of use of koyata are attributed to accused Pramod. Applicant is behind bars since 12-06-2024. Chargesheet is already filed on 18-09-2024. Therefore, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Chand Noor @ Ayan Shaikh be released on bail in connection with Crime no.0303 of 2024 registered with Jamkhed Police Station, Dist.Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter in the vicinity of Kolhevashi Jamkhed, Tq.Jamkhed, Dist.Ahmednagar, till conclusion of the trial.
- (v) Criminal Application No.465 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE