



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2365 OF 2024

1. Shaikh Pashu Shaikh Babu
Age- 61 years, Occ – Agri,
R/o Karanjkheda, Tq. Kannad,
District Aurangabad.
2. Shaikh Kaleem Shaikh Maheboob
Age – 40 years, Occ – Agri,
R/o Ghatnandra, Tq. Sillod,
District Aurangabad.
3. Shaikh Nazir Shaikh Muner
Age – 40 years, Occ – Agri,
R/o Ghatnandra, Tq. Sillod,
District Aurangabad.

... Applicants

Versus

The State of Maharashtra,
Through Police Station Pishor,
Tq Kannad, Dist – Aurangabad.

... Respondent

**WITH
CRIMINAL APPLICATION NO. 496 OF 2025
IN
BAIL APPLICATION NO. 2365 OF 2024**

Shaikh Ahmed Shaikh Mohammad
Age : 37 Yrs. Occ : Agriculture,
R/o. Karanjkheda, Tal. Kannad,
Dist. Chhatt. Sambhajinagar.

... Applicant

Versus

1. Shaikh Pashu Shaikh Babu
Age : Major, Occu. Agri,
2. Shaikh Kaleem Shaikh Mehboob
Age : Major, Occu: Agri.,

Both R/o. Karanjkheda, Tal. Kannad,
Dist. Ch. Sambhajinagar.

3. Shaikh Nazir Shaikh Muner
Age : Major, Occu: Agri.,
R/o: Ghatnandra, Tal. Sillod,
Dist. Ch. Sambhajinagar.
4. The State of Maharashtra
Through Police Inspector,
Police Station Pishor,
Dist. Chhatt. Sambhajinagar. ... Respondents

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Mr. Jagdish V. Deshpande, Advocate for the Applicants in
BA/2365/2024 and Respondent Nos. 1 to 3 in Criminal
Application/496/2025.

Mr. S. S. Dande, APP for Respondent-State in both Applications.

Mr. Z. H. Farooqui h/f Mr. Patel Khizer, Advocate for Applicant in
Criminal Application/496/2025.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 07.02.2025

Pronounced on : 10.02.2025

ORDER :

1. Criminal Application No. 496 of 2025 is filed by the informant seeking permission to assist APP. For the reasons mentioned in the application, the applicant is permitted to assist APP. The application is accordingly disposed off.

2. Instant Bail Application is for grant of regular bail on account of arrest of applicants in crime no. 0142 of 2024 registered at Pishor Police Station, District Aurangabad Rural, for offences under sections 307, 326, 324, 143, 147, 148, 149, 504 of IPC.

3. Pointing to the date of arrest as 09.09.2024, learned counsel submitted that alleged occurrence is of 01.05.2024, but reporting is on 02.05.2024. He pointed out that above crime is registered against 11 to 12 persons. There are allegations of assault by means of kicks, fist blows and stick, however, specific role of applicants has not been spelt out in the FIR. That, now investigation is over and even charge sheet has been filed. Applicants are shown as accused nos.6, 7 and 9. When there is no specific role and no article is shown to be used by them and there being common allegations, it is his submission that, nothing is to be recovered from them. Therefore, their further detention after filing of chargesheet is unwarranted and hence he seeks grant of regular bail by imposing any condition.

4. Learned APP took strong objection pointing out that crime is registered for offences under Sections 307, 326, 324 by invoking Sections 143, 147, 148 and 149 of IPC. That, applicants are specifically named. Therefore, considering the gravity of the offence and possibility of misuse of the liberty, learned APP opposes the application.

5. Learned counsel for informant, who is allowed to assist APP, also pointed out that after forming unlawful assembly with common

object, there is assault after entering the house of informant. Injured was assaulted on vital part like head and was required to be admitted and treated for 24 days. Subsequently, his statement is also recorded and even present applicants are specifically named by him. He pointed out that present applicant No.1 Shaikh Pashu was present on both occasions, i.e. in the initial stage as well as subsequently at the time of actual assault. Thus, learned counsel attributes assault by common object along with others.

6. Perused the papers. FIR seems to be at the instance of one Shaikh Ahmed Shaikh Mohammad. He reported police that around 10.00 a.m. on 01.05.2024 while he was ploughing in the field of one Samad Razzak Shaikh, he received phone call about quarrel going on in their field and therefore he rushed there. On reaching there, he noticed that Sk. Mantu Sk. Pashu was taking tractor through their agricultural land and the same was objected by his brother Anis Shaikh, resulting into minor quarrel. He further reported that, said Mantu Shaikh made a telephone call and called his uncle Sk. Bhiku, Ashpaq, Mobin, Sk. Pashu Sk. Babu (present applicant no.1) and they came and started hurling abuses. Sk. Bhiku himself sat behind the wheels of tractor throwing challenge to see who obstructs him. When informant's brother Anis went to talk with him, it is alleged that, Sk.

Bhiku got down and hit him with stick. Villagers intervened and matter was settled and all went home. He further reported that after lunch, when they were taking nap around 2.15 pm., suddenly Sk. Bhiku, Sk. Pashu (present applicant No.1), Sk. Ashpaq, Sk. Mantu, Mobin Sk. Pashu, Sk. Kaleem (present applicant no.2) and Sk. Sameer, all residents of Karanjkheda, along with Feroz Munaf, Nazir Maulana and three to four unknown persons came and started abusing. Informant claims that, so he went out and saw that his nephew Javed Sk. Mustaq was hit by fist and kick blows. Therefore, informant and his brother Mustaq went to save him. At that time, Sk. Bhiku hit on the head of informant as well as on the head of Javed causing bleeding injuries to them. One Sk. Mantu allegedly hit iron rod on the head of informant's brother Mustaq as a result of which he collapsed and thereafter, there was pelting of stone by Sk. Kaleem (present applicant no.2) and Ashpaq. There was assault on mother of informant also by means of iron rod, causing fracture injury.

7. Perused the medical papers. What is discerned from above contents of FIR is that occurrence has taken place in stages. Initially there was quarrel, but it was settled. Then, there was said to be phone call made by accused Mantu calling others, who came and again started abusing and stick was used by Sk. Bhiku for hitting Anis. On

intervention of villagers, this occurrence was also settled. Around 2.15 p.m., nine persons named in the FIR along with three-four unknown persons seem to have visited informant's place and have mounted assault by means of stick, iron rod, fist and kick blows. No article is allegedly used by present applicants. Therefore, taking above discussion into consideration, as charge sheet is shown to be filed and no specific role is attributed to present applicants, they deserve relief. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicants be released on bail in connection with Crime No. 0142 of 2024 registered at Pishor Police Station, District Aurangabad Rural, on executing Personal Bond of Rs. 15,000/- each, with one surety each, in the like amount, on following conditions :
 - [a] The applicants shall not tamper prosecution evidence.
 - [b] The applicants shall not to enter village Karanjkheda, Taluka Kannad, District Chhatrapati Sambhajinagar (Aurangabad) till conclusion of trial.

[ABHAY S. WAGHWASE, J.]