



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

942 BAIL APPLICATION NO. 426 OF 2025

**SHAIKH AZHARUDDIN @ BANGA SHAIKH RAHIMODDIN
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondent/State: Mr. G. O. Wattamwar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 04.07.2025**

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 27.02.2022 in connection with Crime No.0379/2021, dated 06.10.2021, registered with Shivajingar Police Station, District Nanded, for the offences punishable under Section 395 of the IPC & under Sections 3/25, 4/25 of the Arms Act & under Sections 3(1)(ii), 3(2), 3(4) of the MCOC Act.

3] The learned counsel for the applicant contends that the applicant has been arrested on 07.10.2021.

He submits that the earlier bail application filed by the applicant was withdrawn on 12.04.2024 and, as

such, the trial has commenced. However, he submits that the trial is stalled on account of the co-accused has been granted bail and not cooperating thereafter. He relies upon the order passed by this court **dated 12.07.2023, BA/803/2023, in the case of Anil Suresh Pawar @ Anil Punjabi Vs. The State of Maharashtra.**

4] The report of the Sessions Court was called and the report also indicates that the trial is not proceeded on account of the absence of the co-accused. The prosecution has in all cited 64 witnesses.

5] Considering that the trial is stalled and the main group leader has already been granted bail and the incarceration of the applicant is long, the applicant can also be granted bail on the ground of parity.

6] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0379/2021, dated 06.10.2021, registered with Shivajingar Police Station, District Nanded, for the offences punishable under Section 395 of the IPC & under Sections 3/25, 4/25 of the Arms Act & under Sections 3(1)(ii), 3(2), 3(4) of the MCOC Act, on furnishing PR bond of

Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present bail

application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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