



*Corrected order as per order dated 30.04.2025 in Criminal Application No.1517 of 2025*

BA.425.2025 (corrected)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**BAIL APPLICATION NO. 425 OF 2025**

Zaidkhan Amjadkhan Pathan,  
Age : 20 years, Occu. : Labour,  
R/o. Sanjaynagar, Tq. Kopargaon,  
Tq. Kopargaon, Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra,  
Through the Police Inspector,  
Shirdi Police Station, Shirdi,  
Tq. Rahata, Dist. Ahmednagar.

... Respondent

.....

Mr. S. S. Chapalgaonkar, Advocate for the Applicant.  
Mrs. Vaishali S. Chaudhari, APP for Respondent-State.

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**CORAM : ABHAY S. WAGHWASE, J.**

Reserved on : 22.04.2025

Pronounced on : 23.04.2025

**ORDER :**

1. Applicant seeks enlargement on bail on account of his arrest in Crime No.32 of 2025 registered at Shirdi Police Station, Dist. Ahmednagar for offence punishable under sections 310(2), 311, 324(5), 324(4), 309(6), 125(A) and 109 of Bharatiya Nyaya Sanhita and under sections 4, 3 and 25 of the Arms Act.

2. Learned counsel pointed out that, alleged FIR is of

22.01.2025 regarding occurrence dated 21.01.2025. He emphasized that applicant is not named in the FIR. That, four other accused are already granted bail. That, even one Nitesh Bhalegaon, who was not named in the FIR is beneficiary of bail. Role of applicant is not crystallized. That, whatever recovery was to be made is already done. That, therefore when no more further recovery or discovery is to be made, his custody is unwarranted. That, applicant is ready to abide all and any conditions deemed fit by this court, he prays for enlargement primarily on the ground of parity.

3. Learned APP opposed on the ground that, he was part of the crime. That, he used motorcycle, which was seized at his instance. That, there is statement of owner of the motorcycle regarding present applicant using his motorcycle. That, applicant has also played active role and as charge sheet is yet to be filed, she opposes for grant of bail. Learned APP also apprehends misuse of liberty.

4. Heard. Perused the FIR dated 22.01.2025 at the instance of Dnyaneshwar Malave, who conduct business of jewelry. He reported that, on 21.01.2025, while conducting business, around 5.50 p.m. three persons came as customers. One of them took out gun and other took out sword and *Koyta* and threatened to use it, stuffed the

jewelry in a bag and while they were going and when attempt to catch one of them, blow was inflicted by the sword as well as *Koyta* on his son. When informant succeeded in catching hold one of them, said person left the bag and run away. While scuffle was going on other two persons were apprehended by mob, who gave their names as Aditya Bagul and Faraj. They were handed over to police and above report was lodged.

5. Thus, prima facie, FIR carries names of only two persons i.e. Aditya and Faraj, who are apprehended at the spot on the same day i.e. on 21.01.2025. Applicant is shown to be arrested on 23.01.2025. As pointed out he is not named in the FIR. Other person namely, Nitesh, who was arrested, has been granted bail by this court while deciding Bail Application No. 365 of 2025. Ground of parity being pressed, in the light of above discussion, relief as prayed deserves to be granted. Hence, the following order is passed :-

### **ORDER**

- I. The application is allowed.
- II. Applicant Zaidkhan Amjadkhan Pathan be released on bail in connection with Crime No.32 of 2025 registered with Shirdi Police Station, Dist. Ahmednagar, on executing Personal Bond of Rs. 15,000/- (Rupees Fifteen Thousands only) with one surety in the like amount, on the following conditions:

- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**[ABHAY S. WAGHWASE, J.]**