



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

BAIL APPLICATION NO. 583 OF 2025

Shaikh Zamir @ Jamil @ Jammo
S/o.Saleem Shaikh
Age: 26 years, Occu.: Electrician,
R/o. Savitribai Phule Nagar, Beside Ansar
Colony, Padegaon, Chhatrapati Sambhaji Nagar,
Tal. & District – Chhatrapati Sambhajinagar.Applicant

Versus

State of Maharashtra
(At the instance of Chawni Police Station,
Aurangabad, in C.R.No.260/2024 for offence
u/s 395 of IPC)Respondent

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Advocate for Applicant : Mr.Naseem R. Shaikh
APP for Respondent : Mr.N.D.Batule
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 APRIL, 2025

PRONOUNCED ON : 24 APRIL, 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no.0260 of 2024 registered at Cantonment (Chawani) Police Station, District Aurangabad, for offence under Sections 395 of the Indian Penal Code (IPC).
2. Learned counsel submitted that applicant is arrested in above

crime on 06-03-2025. That, co-accused is already granted anticipatory bail. That, subsequently, false allegations are levelled by lodging FIR and to aggravate the crime Section 395 is incorporated, when no such incident has taken place. Learned counsel took this Court through the order passed in Anticipatory Bail Application No.1574 of 2025 by this Court on 24-10-2024, more particularly, paragraph 4. He further submitted that investigation is over and mere formality of chargesheet to be filed is remained. Therefore, in view of nature of allegations, when no recovery or discovery is to be made and as applicant is ready to abide by all and any conditions imposed by this Court, he prays for relief of bail.

3. Learned APP opposed on the ground that applicant is named. That, there is use of stick and kick and fist blows. That, there is injury certificate on record. Therefore, he prays for rejection of application.

4. Heard. Perused the FIR dated 15-05-2024 at the instance of Dipesh Nagzare. He has reported that he is a Police Havildar. That, on 14-05-2024, while he was returning in his vehicle from Khultabad – Kannad side, at Tapargaon, he took amount due towards his friend

to the tune of Rs.35,000/-. That, at 00:15 hours on 15-05-2024, near Hanuman Temple at Padegaon, Motorcycle occupied by two persons got dash of his vehicle and they fell. He claims that with the help of local people, both were shifted to hospital. That, at around, 00:30 hours, a Cruiser vehicle came from behind and his vehicle was intercepted. Shortly, thereafter 3-4 Motorcycles occupied by 6-7 persons came and started beating him and his gold ring and cash kept in vehicle dash board, Aadhaar Card, ATM Card were taken away forcibly. Therefore, he lodged above report apparently against unknown persons.

5. Present applicant is shown to be arrested on 06-03-2025. Though learned APP has invited attention of this Court to the medical papers, there do not seem to be any injury and there is said to be bare blunt trauma to the left eye. Case papers attached to the chargesheet also do not seem to be in the proper format nor it bear seal. This Court, while grant of anticipatory bail, made detail observations in paragraph 4 of the order dated 24-10-2024. Be it so, taking the nature of allegations into consideration, crime to be against unknown persons, and even inspite of FIR being lodged on 15-05-2024, surprisingly no T.I. parade is shown to be conducted and

as no further recovery or discovery is shown to be made, relief as prayed deserves to be granted. Hence, following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Shaikh Zamir @ Jamil @ Jammo S/o.Saleem Shaikh be released on bail in connection with Crime no.0260 of 2024 registered with Cantonment (Chawani) Police Station, District Aurangabad, on executing Personal Bond of Rs.20,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE