



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

BAIL APPLICATION NO. 590 OF 2025

- 1) Shaikh Ashpak Shaikh Bhiku
Age: 43 years, Occu.: Agri. & Labour,
R/o. Karanjkhed, Tq.Kannad,
Dist.Aurangabad.
 - 2) Mobin Shaikh Pashu
Age: 38 years, Occu.: Agri.,
R/o. Karanjkhed, Tq.Kannad,
Dist.Aurangabad.
 - 3) Shaikh Sameer Shaikh Bhiku
Age: 35 years, Occu.: Agri. & Labour,
R/o. Karanjkhed, Tq.Kannad,
Dist.Aurangabad.
 - 4) Feroj Munaf Mulla (Shaikh)
Age: 48 years, Occu.: Agri. & Labour,
R/o. Ghatnandra, Tq.Sillod,
Dist.Aurangabad.
-Applicants

Versus

- . The State of Maharashtra
Through Investigation Officer,
Police Station Pishor,
Tq.Kannad, District – Aurangabad.
-Respondent

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Advocate for Applicants : Mr.Jagdish V. Deshpande
APP for Respondent : Mr.VM.Chate
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 25 APRIL, 2025

ORDER :

1. Present 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, for offence under Sections 307, 326, 324, 143, 147, 148, 149 and 504 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest of the applicant nos.1 to 3 as 04-05-2024 and applicant no.4 as 09-09-2024, it is submitted that applicants are behind bars since more than seven months. That, there are allegations of assault by 8-9 known and 3-4 unknown persons. That, present applicants are shown as accused nos.2, 3, 4 and 8, but no specific allegations or roles are attributed to them. Initial allegations are of giving kicks and fist blows. That, allegations of use of stick and rod are against other accused. That, now investigation is over and chargesheet is already filed in July, 2024. As future course of trial is uncertain, learned counsel urges of grant of bail.

3. Learned APP opposed on the ground that after forming unlawful assembly, there is assault on informant and his brothers. As regards present applicants are concerned, there are allegations of use of stone. He pointed out that, injury certificate shows fracture injury

to some of the injured, which is grievous in nature. He also apprehends misuse of liberty and further untoward incident as applicants are residents of same village.

4. Heard. Perused the FIR dated 02-05-2024 at the instance of Shaikh Ahmed Shaikh Mohammad. Informant claims that he received a phone call informing about quarrel going on in the field. Therefore, he went there. There he noticed that their relative namely Shaikh Mantu Shaikh Pashu was driving a Tractor from their field and it was objected by his brother Anis resulting into minor quarrel. Informant claims that on reaching there, he separated the occurrence, but thereafter, Shaikh Mantu made a phone call and called his maternal uncle Shaikh Bhiku Shaikh Chand, Ashpak Shaikh Bhiku, Mobin Shaikh Pashu, Shaikh Pashu Shaikh Babu and thereafter, they hurled abuses. When his brother Anis went to question, Shaikh Bhiku allegedly hit his brother by stick on leg. But matter was settled by intervention of the people from village. Again at 02:15 p.m. it is alleged that 9 known persons and 3-4 unknown persons allegedly came. They initially hurled abuses and then beat Javed Shaikh Mustak, who is nephew of informant and thereafter, when his brother Mustak Shaikh went to intervene and separate, he

was assaulted by stick on head. Shaikh Mantu Shaikh Pashu assaulted by rod on Mustak. Informant's mother, when intervened, was also assaulted by rod. Informant's brother Mustak fell unconscious. Thereafter, informant's another brother Anis called a vehicle from village and went to Pishor Police Station and from there they went to Government Hospital for treatment of injured. On above allegations, report is lodged.

Therefore, prima-facie from above reporting, it is emerging that allegations of use of rod and sticks are against non-applicants namely Shaikh Bhiku and Shaikh Mantu and not against present applicants. Precisely taking the same into consideration, as chargesheet is filed and when no further recovery or discovery is shown to be made, applicants are entitled for relief of bail. Apprehension of misuse of liberty can be taken care of by imposing stringent conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicants be released on bail in connection with Crime no.0142 of 2024 registered with Pishor Police Station, District Aurangabad, on executing Personal Bond of Rs.20,000/- each with one surety in the like amount each.

(iii) Applicants shall not tamper prosecution evidence.

(vi) Applicants shall not enter village Karanjkheda, Tq.Kannad, District Chhatrapati Sambhajanagar, till conclusion of trial.

(v) Applicants shall not leave the jurisdiction of concerned Police Station till conclusion of trial, except for attending Court dates.

(vi) Applicants shall attend the concerned Police Station, twice in a week i.e. on every Monday and Thursday, till commencement of trial and thereafter, they shall regularly attend each and every effective dates before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE