



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

942 BAIL APPLICATION NO. 803 OF 2025

ASIF @ ASHU AKHLAK SHAIKH

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.Satej S. Jadhav

APP for Respondent-State : Mrs.P.V.Diggikar

Advocate for Assist to P.P. : Mr.A.I.Shaikh h/f. Tabrezuddin
Quadri

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WITH

CRIMINAL APPLICATION NO. 2289 OF 2025

IN BAIL APPLICATION NO.803 OF 2025

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 14.08.2025

P.C. :

1] Heard. For the reasons stated in Criminal Application No.2289 of 2025 for assisting to the P.P, the same is allowed. Criminal Application is disposed of accordingly.

2] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for assist to P.P.

3] The applicant is seeking bail as he is arrested on 03.01.2025 in connection with Crime No.07/2025,

registered with Vivekanand Chowk Police Station, Latur, for the offence punishable under Section 109, 118 (1), 115 (2), 189, 189 (2), 191 (2), 191 (3), 351 (2), 351 (3) of BNS, 2023 and under Section 135 of the Bombay Police Act.

4] The case against the present applicant is that the applicant and other accused have assaulted the informant by means of knife and sword on account of prior lodging of complaint against them. It is stated that the incident took place on 1st January, 2025 and FIR is registered on 2nd January, 2025. The applicant is arrested on 03.01.2025. Investigation in the matter is complete and charge sheet is filed on 18.03.2025. The applicant has filed Bail Application before the Sessions Court and the same was rejected. As such, the present Bail Application is filed.

5] The applicant is the accused no.1. It is stated in the FIR that the applicant has assaulted Hatim Shaikh i.e. brother of the informant by means of sword on his head and face. The statement of Hatim is on record which shows that the applicant has assaulted him by the backside of sword on his head. The injury certificate of Hatim is on record which shows the injury on head as simple in nature.

6] The learned counsel for the applicant submits that the applicant is in jail from 03.01.2025 and there is no evidence on record in terms of identification of the

applicant in CCTV and that there is no recovery at the instance of the present applicant. As such, there are exaggerations in the FIR and that the applicant is falsely implicated in the alleged crime. As such, the bail should be granted in favour of the applicant.

7] *Per contra*, the learned APP, so also, learned counsel for assist to P.P. submit that there are five antecedents against the present applicants and the applicant is involved in the alleged crime. As such, bail should not be granted in favour of the applicant.

8] In response to the above submissions, the learned counsel for the applicant submits that the antecedents against the present applicant is concerned, maximum charge leveled against the present applicants is under Section 324 of the IPC and the same is of simple hurt. He further submits that the applicant is in jail since last 8 months. As such, bail should be granted in favour of the applicant.

9] Considering the nature of allegation and the injury caused by the applicants and that the applicant is in jail from 03.01.2025, so also, investigation in the matter is complete and charge sheet is filed, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in

connection with Crime No.07/2025, registered with Vivekanand Chowk Police Station, Latur, for the offence punishable under Section 109, 118 (1), 115 (2), 189, 189 (2), 191 (2), 191 (3), 351 (2), 351 (3) of BNS, 2023 and under Section 135 of the Bombay Police 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 shall not enter the jurisdiction of Latur District for a period of one year.

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

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

e] 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.

f] 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.

10] 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. 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.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC