



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

27 BAIL APPLICATION NO. 733 OF 2025

Shaikh Yaser Arfad Alias Sufiyan Shaikh Yunus

VERSUS

The State Of Maharashtra

...

Mr. Gangakhedkar Shailendra S, Advocate for Applicant

Mr. N. B. Patil, APP for Respondent/State

Mr. Bharat N. Gadegaonkar, Advocate for informant

WITH

CRIMINAL APPLICATION NO. 1490 OF 2025

IN BA/733/2025

Shaikh Ansar Shaikh Pasha

VERSUS

Shaikh Yaser Arfad Alias Sufiyan Shaikh Yunus And Another

...

Mr. Bharat N. Gadegaonkar, Advocate for Applicant

Mr. Gangakhedkar Shailendra S, Advocate for respondent No.1

Mr. N. B. Patil, APP for Respondent/State

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

CRIMINAL APPLICATION NO. 1490 OF 2025

IN BA/733/2025

1. This is an application for assist to prosecution.
2. The learned advocate for the applicant is permitted to assist the prosecution.
3. The application is disposed of.

BAIL APPLICATION NO. 733 OF 2025

1. Heard.
2. This is an application for granting of regular bail under Section

483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.440 of 2024, registered at Vazirabad Police Station District Nanded, for the offences punishable under Sections 103(1), 61(2) and 238(A) of the Bhartiya Nyaya Sanhita, 2023.

3. The learned advocate for the applicant pointed out the report in which the informant averred that the applicant is the son of the deceased, Yunus Shaikh. It is alleged that there were frequent disputes between them over petty matters. Therefore, the applicant, along with three co-accused, conspired to kill his father and committed the murder in the house of informant, who is the brother of the deceased. Consequently, the informant lodged the report.

4. The learned advocate for the applicant pointed out that the applicant is 18 years of age and has been falsely implicated in the crime. Nothing has been seized at his instance. The applicant has no criminal antecedents. The investigation is over and trial will take long period. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime of murder. It was submitted that submitted that the incident took place in the house of the applicant and that he had contracted the co-accused to kill his father for an amount of Rs.2,00,000/-. The learned APP further pointed out seizure

panchanama of the weapon used in the crime, which was recovered at the instance of the co-accused. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the report, the post mortem report and the recovery panchanama of the weapon used in the crime. The applicant is 18 years of age and has no criminal antecedents. The investigation is over and further custody of the applicant is not necessary. the trial will take long period. Considering all these aspects and applying the settled principle that bail is rule and jail is exception, the application deserves to be allowed. Hence, the following order:

::ORDER::

- I. The application is allowed.
- II. The applicant, in connection with Crime No.440 of 2024, registered at Vazirabad Police Station District Nanded, for the offences punishable under Sections 103(1), 61(2) and 238(A) of the Bhartiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

- b) The applicant, except on the dates fixed for

hearing of the trial, shall not enter in village Dulheshan Raheman Nagar, Nanded, within the jurisdiction of Vazirabad Police Station District Nanded, till the conclusion of the trial.

[SANJAY A. DESHMUKH, J.]

HRJadhav