



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 BAIL APPLICATION NO. 997 OF 2025

FIROZ SHAIKH RASHID ALIAS FIROZ GOLDEN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Vakil Afzal Husain M.
APP for Respondent/State : Mr. N.B. Patil
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 02/07/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 126/2024 dated 4.5.2024 registered with Chalisgaon Road Police Station, Dhule, Tal. And Dist. Dhule for the offences punishable under sections 397, 323, 504, 506 of IPC and section 4 and 25 of Arms Act, 1959 and section 37(1)(c) of Maharashtra Police Act, 1951.
3. In the present crime FIR is registered on 4.5.2024 when the alleged incident took place 30.4.2025. The applicant is arrested on 3.4.2025 i.e. after one year of the incident. In the FIR, it is stated that informant was assaulted by five persons, whose names were mentioned in the FIR and two unknown persons and then the accused persons robbed amount of Rs. 22,000/- from the pocket of the informant and had caused grievous injuries to the informant. In a statement under section 164 of Cr.P.C., which was recorded on 10.5.2024, after 10 days of the incident, the informant has taken the name of the present applicant and other co-accused. In the

statement under section 164 of Cr.P.C. informant has named six persons and two unknown persons.

4. The learned APP has produced the injury certificate of the informant which shows that there are three fracture injuries and they are noted to be grievous. The learned APP submits that there is no recovery at the instance of the present applicant. The learned APP submits that considering the role of the applicant, the present bail application may be rejected.

5. Considering that applicant's name is not in FIR and the name of the applicant is taken by the informant in a statement under section 164 of Cr.P.C. only when he became aware of the name of the applicant subsequently and which was also recorded after 10 days of the incident and considering that there is discrepancy in the two statements of the informant i.e. in the FIR, the informant has stated that there were five known accused and two unknown accused and in the statement under section 164, which was recorded after 10 days, it is stated that there were six known accused and two unknown persons, possibility of implication of the applicant cannot be ruled out. In view of the above and considering that no recovery is made at the instance of the applicant and the applicant has been arrested after one year from the date of alleged incident and since 3.4.2025 applicant is behind bars, I hold that bail can be granted to the applicant.

6. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 126/2024 dated 4.5.2024 registered with Chalisgaon Road Police Station, Dhule, Tal. And Dist. Dhule for the offences punishable under sections 397, 323, 504, 506 of IPC and section 4 and 25 of Arms Act,

1959 and section 37(1)(c) of Maharashtra Police Act, 1951, 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, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

d] 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.

e] 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.

7. 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.

8. 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.

9. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/