



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

914 BAIL APPLICATION NO. 1244 OF 2025

SHAIKH SHAHARUKH SHAIKH RAFIK

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sudarshan J. Salunke

APP for Respondent/State: Mr. G. O. Wattamwar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 31.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 05.06.2025 in connection with Crime No.0473/2025 dated 15.05.2025, registered with MIDC Waluj Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 310(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 3, 25 of the Arms Act, 1959 & under Section 135 of the Maharashtra Police Act, 1951.

3] The learned counsel for the applicant has produced order dated 17.07.2025, passed in BA/1147/2025, in case of co-accused Ashish Bakliwal. The

looted gold is already recovered from the co-accused. It is stated that the applicant has sold the gold to Ashish Bakliwal and it was sold in presence of the brother of the Ashish Bakliwal. The statement of the brother of the Ashish Bakliwal is also recorded. However, the learned counsel for the applicant submits that the applicant is also a goldsmith by profession and that the persons who have sold the gold are Shaikh Abuzar and Shaikh Sohail and they were also involved in the business of gold and when there was no occasion for him to know that the gold which is purchased and sold by him is from the dacoity committed. He submits that there are no antecedents against the applicant. The applicant was arrested on 05.06.2025.

4] The learned APP opposes for grant of bail. He submits that the gold purchased and sold by the applicant is from the dacoity and the purchase and sale of gold is without documents.

5] Considered rival submissions. However, there is no prima facie evidence that the applicant was aware of the fact that the gold purchased by him is *looted* from dacoity and considering that there are no antecedents against the applicant and that he is in jail from 05.06.2025 and that the bail is granted to the co-accused and considering all these aspects, 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.0473/2025 dated 15.05.2025, registered with MIDC Waluj Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 310(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 3, 25 of the Arms Act, 1959 & under Section 135 of the 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.

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]
JUDGE

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