



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

931 BAIL APPLICATION NO. 1305 OF 2025

1. Avesh Shah Salim Shah Fakir
 2. Sohel @ Bablu Mubarak Shah Fakir
-APPLICANTS**

VERSUS

1. The State of Maharashtra
-RESPONDENT**

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Mr. Kulkarni Mukul S., Advocate for Applicant
Mr. K. K. Naik, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 07.10.2025

PER COURT :-

1. Heard.
2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.08 OF 2025, registered at Sakri Police Station, District Dhule, for the offences punishable under Sections 103(1) and 238 r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that the applicants committed murder of one Saeed Shah.
4. The learned advocate for the applicants submitted that the applicants have been falsely implicated in the crime. There is no direct

evidence against the applicants. The case is based on circumstantial evidence. The applicants have no criminal antecedents. They have roots in the society and they will not flee away from the trial. The trial will take a long period. It is lastly prayed to grant bail to the applicants.

5. The learned APP for the State strongly opposed the application and submitted that the applicants are involved in a serious crime of murder. There is CCTV footage showing the applicants along with deceased Saeed Shah prior to the incident, thereby constituting “last seen together” evidence. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the post-mortem report, CCTV footage and statements of witnesses. No weapon has been recovered at the instance of the applicants. Their specific role is not pointed either in the report or in the statements of witnesses. The applicants have roots in the society and they will not flee away from the trial. The applicants have no criminal antecedents. The trial will take a long period. Therefore, considering all these reasons, it would be proper to grant bail to the applicant, subject to certain conditions, on the settled principle that bail is rule and jail is exception. Hence, the following order:

::ORDER::

I. The application is allowed.

II. The applicants, in connection with Crime No.08 OF 2025, registered at Sakri Police Station, District Dhule, for the offences punishable under Sections 103(1) and 238 r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-

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

[SANJAY A. DESHMUKH, J.]

HRJadhav