

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1514 OF 2025

SHAIKH ABDZAR @ SHAIKH ABUZAR
VS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr. S.B. Pathan, Mr. S.A. Patel
APP for respondent/State : Mr. P.P. Dawalkar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18/08/2025

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 Crime No. 473/2025 dated 15.5.2025 registered with MIDC Waluj Police Station, Tq. and Dist. Chh. Sambhajanagar for the offence punishable under sections 310(2), 61(2) of B.N.S. 2023 and 3 and 35 of Arms Act and section 135 of Maharashtra Police Act.
3. The learned counsel for the applicant has placed reliance on the **order dated 31.7.2025** passed by this Court in **BA No. 1244/2025** in the case of **Shaikh Shaharukh Shaikh Rafik Vs. State of Maharashtra** and submits that the role of the present applicant is identical to that of Shaikh Shaharukh Shaikh Rafik, who has been granted bail in this crime. In para 3 this Court has observed as under :-

"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 counsel submits that in the case of present applicant also he has received the gold from Shaikh Sohail and was present along with Shaikh Shaharukh while selling the same to Bakliwal. Considering the role of Shaikh Shaharukh and the present applicant, prima facie it appears that there is possibility that the present applicant was not aware that the gold sold is looted from the dacoity. The learned counsel submits that there are no antecedents against the applicant and as the role of the applicant is identical with Shaikh Shaharukh, he prays to release the applicant on bail on the ground of parity.

5. The learned APP strongly opposed the application on the ground that the applicant is involved in serious crime of dacoity and prays to reject the application.

6. Considering the role of the co-accused Shaikh Shaharukh, who has been granted bail by this Court in this crime, on the ground of parity, regular bail can also be granted to the present applicant.

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

a] The applicant shall be released on bail in connection Crime No. 473/2025 dated 15.5.2025 registered with MIDC Waluj Police Station, Tq. And Dist. Chh. Sambhajinagar for the offence punishable under sections 310(2), 61(2) of B.N.S. 2023 and 3 and 35 of Arms Act and section 135 of Maharashtra 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, 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.

6. 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.

9. 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.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/