



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

106 BAIL APPLICATION NO. 1568 OF 2025

KALYA ALIAS ASIF MANNAM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Shashikant E. Shekade.

APP for Respondent/State : Mr. P. P. Dawalkar.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 25th August, 2025.

P.C.:

1. This is an application for granting bail in connection with crime No.215 of 2024 registered with Shevgaon police station, District Ahmednagar for the offences punishable under Sections 307, 327, 323 and 506 read with 34 of the Indian Penal Code. His application with similar prayer bearing criminal bail application No. 1202 of 2025 came to be rejected by the learned Additional Sessions Judge, Ahmednagar, vide order dated 04.08.2025.

2. It is averred in the report that the informant is social worker working in Bajrang Dal and also serving for protection of cows. He came to know that in the village Amrapur at Qureshi Mohalla, some cows are cut. He therefore, went there and found that six alive cows were there and one was cut. When one person enquired with the informant, the informant told that not to cut the cows as it is an offence

as per law. However, the applicant and other accused assaulted him by iron rod. When the informant was assaulted, the persons accompanied with him ran away due to fear of assault. Accordingly, the report was lodged.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. He submitted that two co-accused are released on bail by this Court. The role of this applicant is similar to the said two co-accused. The applicant has no criminal antecedents. A false report is lodged against him. The role of the applicant is not specified in the F.I.R. The alleged injuries sustained by the informant are simple in nature. The applicant has roots in the society, he will not flee away from trial and the trial will take long period. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime. The investigation is not yet over. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and also commit similar nature of crime. Considering all these aspects, it is lastly prayed to reject the application.

5. Perused the papers of investigation particularly, the report and injury certificate of the informant, who has sustained the simple

injuries. This Court by order dated 7th May, 2024 passed in ***Bail Application No.674 of 2024 (Altab Tayyab Sheikh and another Vs. The State of Maharashtra)*** granted bail to two co-accused. The role of this applicant is similar to the said co-accused, who are released on bail by this Court. The specific role of the applicant is not spelt out in the report. The practical investigation is over and nothing is to be seized from him. The applicant has roots in the society, he will not flee away from the trial and the trial will take long period. Considering all these aspects, the applicant is entitled for bail on the principle that bail is rule and jail is exception so also on the ground of parity, on certain conditions. Hence, the following order.

ORDER

- I. Application is allowed.
- II. The applicant in connection with crime No. 215 of 2024 registered with Shevgaon police station, District Ahmednagar for the offences punishable under Sections 307, 327, 323, 506 r.w. 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.25,000/- 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) If any breach of the above conditions are noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of the applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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