



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1682 OF 2025

Rehan Sadik Shaikh
VERSUS
The State Of Maharashtra

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- Mr. Chaitanya C. Deshpande, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondent – State
- Mr. Juber Shaikh, Advocate for the Complainant

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WITH
CRIMINAL APPLICATION NO. 3764 OF 2025
IN BA/1682/2025

CORAM : MEHROZ K. PATHAN, J.

DATED : 11.11.2025

PER COURT :

1. The applicant has approached this Court seeking grant of regular bail in connection with FIR bearing Crime No. 86 of 2025, dated 17.04.2025, registered in Chalisgaon Road Police Station, District - Dhule, for the offences punishable under Sections 105, 115(2), 352, 3(5) of the Bhartiya Nyay Sanhita, 2023.

2. The prosecution story is that on 16.04.2025 at about 11:30 p.m., when Faiz Ahmad Murad Husain Ansari and his friend Arsalan were proceeding by motorcycle near Ener-Gym, Nandi Road, Dhule, their motorcycle dashed against another coming from the opposite

direction. The rider and pillion of the said motorcycle, after abusing Faiz, assaulted him, during which one of them banged his head several times on the concrete road and both kicked him on the chest, causing grievous injuries. Thereafter, both assailants fled from the spot, leading to the lodging of the present FIR.

3. The learned counsel for the applicant submits that the applicant came to be arrested on 18.04.2025, and that now the prosecution itself has reduced the charge from Section 103 BNS to Section 105 BNS. It is submitted that the statements recorded by the prosecution during the course of the investigation, particularly those of eyewitness - Ansari Mohammad Arsalan Akhtar Hussain and Ansari Mohammad Tauhid Shakil Ahamad, do not show that the applicant had any intention of committing murder of the deceased - Faiz. The allegation pertains to an incident that has taken place at the spur of the moment in the heat of passion.

4. It is further submitted that the eyewitness Tauhid has also recorded his statement under Section 164 of Cr. P. C. before the learned Magistrate, wherein he has reiterated the same fact that the applicant assaulted the deceased – Faiz, in a sudden quarrel. The learned counsel submits that the perusal of the statements of Tauhid and Arsalan, even under Section 183 of BNS, does not make out a case of culpable homicide amounting to murder. The prosecution has

accordingly filed the charge-sheet under Section 105 BNS. It is further submitted that the applicant being a student who has cleared his XII standard examination, desire to continue his further studies. The applicant has been in custody since 18.04.2025, and the trial would take its own time to conclude; hence, he may be released on bail.

5. As against this, the learned APP vehemently opposes the application on the ground that the applicant has committed the murder of a young boy only on a trivial issue of parking of vehicles. He submits that the post-mortem report clearly shows several injuries on the head of the deceased – Faiz, which would corroborate the version indicating intention on the part of the applicant to commit the offence. He further submits that Section 105 BNS also provides for the maximum punishment of life imprisonment; hence, this is not a fit case to exercise the discretion to release the applicant on bail. It is further submitted that there is every apprehension that the applicant may threaten the prosecution witnesses and the family members of the deceased, and may flee from the ends of justice, if released on bail.

6. The learned counsel Mr. Juber Shaikh, appearing for the complainant, has filed an application for assisting the prosecution. He submits that there are lapses in the investigation carried out by

the Investigating Officer, inasmuch as the Investigating Officers has not taken cognizance of the complaint dated 04.06.2025, made by the mother of the complainant, wherein she has narrated the conspiracy allegedly hatched by the applicant along with the other juvenile accused and his father, on the ground of business rivalry. It is alleged that the deceased - Faiz was working in a medical store and was asked by Arsalan and his father to send customers to their medical shop, which the deceased refused. Being aggrieved by the conduct of the deceased, the conspiracy was hatched by Arsalan and the present applicant – Rehan to eliminate Faiz. It is stated that the complainant has filed a writ petition before the Division Bench of this Court, seeking transfer of the investigation and *de novo* enquiry against reduction of the charge from Section 103 to 105 BNS and seeking addition of charge to Section 103 BNS, alleging deliberate lapses of investigation.

7. After having gone through the charge-sheet made available by the learned counsel for the applicant, I have perused the statements of the witnesses with the assistance of the learned APP and the learned counsel for the applicant. The statement of eyewitness - Tauhid and Arsala would show that during the scuffle between the applicant and the deceased, the applicant have a hard push to the deceased – Faiz, due to which he fell on the ground. The said two

witnesses have also recorded their statements under Section 183 BNS reiterating the same fact that the applicant - Rehan has given hard push to deceased – Faiz who has fallen on the concrete on the road side and sustained the injury. The post-mortem report shows that the skull does not have bear any fracture; the injuries sustained to the head at occipital region and parietal region will have to be established through evidence before the learned Trial Court. At this stage, there is nothing on record to show that the applicant had an intention to commit murder of the deceased. The writ petition filed by the complainant for *de novo* inquiry and transfer of investigation is informed to be pending; however, it has not yet come up for hearing. As of now, there is nothing on record to show that the said prayer is granted. However, these observations are *prima faice* in nature and shall not influence the Trial Court or any other Court.

8. Looking to the fact that the applicant is of young age and has no criminal antecedents, I am inclined to release the applicant on bail, however, on a stringent condition that he shall not enter the limits of Dhule City till the conclusion of the trial. Hence, looking to the evidence available at present the following order is passed:-

ORDER

- A) The applicant – Rehan Sadik Shaikh, shall be released on bail in connection with FIR bearing Crime No. 86 of 2025, dated

17.04.2025, registered in Chalisgaon Road Police Station, District – Dhule, for the offences punishable under Sections 105, 115(2), 352, 3(5) of the Bhartiya Nyay Sanhita, 2023, on furnishing PR Bond of Rs. 50,000/- with one or two sureties in the like amount.

- B) The applicant is directed not to enter the limits of Dhule City till the conclusion of the trial. Any single breach of this condition shall entitle the prosecution to seek cancellation of bail.
- 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 prosecution evidence or attempt to influence or threaten any witness in any manner. A single incident of such conduct would also entitle the prosecution to seek cancellation of the bail granted to the present applicant.
- E) The applicant, upon being released on bail, shall furnish his residential address, contact number, and copies of his Aadhaar / PAN Cards to the Investigating Officer as well as trial Court, and shall also provide the names, addresses, and contact numbers of his close relatives for the purpose of record and verification.

9. The Bail Application stands disposed of accordingly.

10. Consequently, the Criminal Application 3764 of 2025, for assisting the prosecution also stands disposed of.

(MEHROZ K. PATHAN, J.)