



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**BAIL APPLICATION NO. OF 1962 OF 2024
WITH
CRIMINAL APPLICATION NO. 5013 OF 2024**

Karim Shaikh Harun Manyar @ Karim Lala,
Age : 22 years, Occu. : Service,
R/o. Vikas Colony, Warangaon,
Tq. Bhusawal, Dist. Jalgaon. ... Applicant

Versus

The State of Maharashtra,
Through its Warangaon Police Station,
Tq. Bhusawal, Dist. Jalgaon. ... Respondent

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Mr. Harshal P. Randhir, Advocate for the Applicant in BA/1962/2024.
Mr. C. V. Bhadane, APP for Respondent-State.
Mr. Vijay B. Patil, Advocate for Applicant in APPLN/5013/2021.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 6th MARCH, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0116 of 2024 registered at Warangaon Police Station, District Jalgaon for offences punishable under Sections 302, 307, 120-B and 504 of Indian Penal Code.
2. Criminal Application No.5013 of 2024 is allowed. The original complainant is permitted to assist the learned A.P.P.

3. Learned counsel for applicant pointed out that, applicant is arrested in above crime in June 2024. That, there is no overt act attributed to him. That, only role attributed is of instigation. That, allegations of overt act and inflicting knife injuries are against other accused. That, even such role of applicant of instigation is coming in supplementary statement at later point of time and not in FIR. That, Incident of quarrel had taken place on petty count of giving dash to motorcycle. Therefore, there was no motive or ill intention. He further pointed out that, investigation is already over and charge sheet is filed in August 2024. That, when there is no overt act and no recovery is also to be caused from applicant, according to learned counsel, further detention of applicant is unwarranted. That, applicant is ready to abide all and any conditions imposed by this court. Hence, he seeks relief of grant of bail.

3. Learned APP opposed on the ground that, serious offence of murder and attempt to murder are committed. That, there is evidence in the form of CCTV footage. That, there are statements of eye witnesses. However, learned APP conceded that allegations against present applicant is of instigation. He also admitted that, charge sheet is filed in August 2024 itself.

4. Perused the FIR dated 05.06.2024 at the instance of one Aqibali Kamarali against five persons. Substance of the FIR is that, at 1:30 p.m. of 04.06.2024, when his motorcycle was given dash by one Rahil Sayed @ Pahelwan, persons named in the FIR Including present applicant assaulted informant and his uncle Mushtq Ali by knife. Different version is given in FIR and supplementary statement. Allegation of use of knife are directed against Rahil Pahelwan. Apparently, Rahil Pahelwan took knife from present applicant Karim Manyar and seems to have put it to use. Even in the statement of Mushtaq Ali, present applicant was instigating Rahil Sayed @ Pahelwan and Rehan Khalid Syed. Thus, allegation against present applicant are of instigation. Resultantly, there being no overt act, no recovery is to be shown at his instance. Charge sheet is filed in August 2024. No purpose is shown to be achieved by further continuing detention of applicant. Considering role attributed to him only to be of instigation, applicant succeeds. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Karim Shaikh Harun Manyar @ Karim Lala be released on bail in connection with Crime No.0116 of 2024 registered

with Varangaon Police Station, District Jalgaon, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not enter the vicinity where the informant and injured and their family members reside, till conclusion of trial.
- [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]