



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 BAIL APPLICATION NO. 2162 OF 2025

SHAIKH AAMER NIJAM SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr. R.G. Nirmal
APP for the respondent – State : Mr. S.M. Ganachari
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 412 of 2025 dated 29.09.2025 registered with Kotwali Police Station, District - Parbhani for the offences punishable under section 109(1), 118(1), 118(2), 127(2), 232(1), 296, 3(5), 351, 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. An attempt was made to eliminate son of Sohail Khan by the accused persons, namely, Shaikh Matin Shaikh Shafi and Shaikh Khalid, in relation to which FIR is registered and the friend of the complainant, namely, Naem Khan, who is witness to the said incident, to whom the applicant met on 28.09.2025 at about 5.00 pm.

3. On account of the same, the accused persons had grudge and were intimidating the complainant not to depose in the aforesaid case. As such, while proceeding on the motorcycle, the accused persons intercepted, assaulted and abused the complainant. At the time, the accused – Khalid was holding a hammer and, after abusing the complainant, inflicted blow on the forehead, resultantly, the complainant fell down and, further blows with the hammer were inflicted on the chest, left leg and on the back.

4. It is alleged that the applicant - Amer Shaikh and Anis gave fist and kick blows, as such, informant became unconscious. Thereafter, he was taken to the hospital in an autorickshaw. After registering the complaint, the informant was referred to the Government hospital and in the process, the applicant has sustained injury to the eye.

5. Learned counsel for the applicant submits that the assault is attributed to the accused - Khalid with the hammer, whereas the sweeping allegations and assertion of giving fist and kick blows are levelled against the present applicant. No specific role is attributed to the applicant. It is further submitted that since the present applicant has lodged complaint against the informant, in order to counter the same and to implicate the applicant in a false and frivolous case, the

allegations are levelled against the applicant. As such, prayed for grant of bail.

6. On the other hand, learned APP has opposed the application, submitting that the applicant is indulged in a serious offence. The informant was assaulted with hammer and even the applicant has not only accompanied the main accused but also participated in the act while assaulting with fist and kick blows with the other accused. Learned APP expressed an apprehension that if enlarged on bail, the applicant may threaten the prosecution witness.

7. Considering the material on record, *prima facie*, it appears that general and sweeping allegations are levelled against the present applicant about the kick and fist blows, no specific role or overt act is attributed to the present applicant and the alleged assault with the help of hammer, is attributed to the accused - Khalid. The applicant is arrested on 02.10.2025. Since then, applicant is behind the bar. Investigation is almost completed. As such, the further incarceration of the applicant may not be warranted. However, the apprehension expressed about threat to the prosecution witness, can be adequately taken care by imposing stringent conditions.

8. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

II) Applicant – Shaikh Aamer Nijam Shaikh, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 412 of 2025 dated 29.09.2025 registered with Kotwali Police Station, District - Parbhani for the offences punishable under section 109(1), 118(1), 118(2), 127(2), 232(1), 296, 3(5), 351, 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for in writing.
- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.

- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. Needless to state that the observations rendered herein-above are to the extent of consideration of the bail application and trial Judge may not get influenced by these observations and shall consider the case on the basis of evidence on record and in accordanc with law.

[SACHIN S. DESHMUKH]
JUDGE

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