



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 565 OF 2025

1. Altaf Ismail Shaikh,
Age : 24 years, Occu. : Labour,
2. Alim @ Amin Ismail Shaikh,
Age : 38 years, Occu. : Labour,
3. Abed Ismail Shaikh,
Age : 36 years, Occu. : Labour,
All R/o. Shahjapur, Post Ghanegaon,
Tal & Dist. Chh. Sambhajinagar.
(Aurangabad)
(At present in Jail)

... Applicants
(Accused)

Versus

1. State of Maharashtra,
Through M.I.D.C. Police Station,
Dist. Aurangabad.
2. Superintendent of Police,
Rural, Aurangabad District.

... Respondents

.....
Mr. Mudassir H. Shaikh a/w Mr. Shaikh Tarek Mobin H., Advocates
for Applicants.

Mr. C.V. Bhadane, APP for Respondents – State.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 17 APRIL 2025

PER COURT :

1. Instant application is for enlargement on bail on
account of arrest of applicants in Crime No.0154 of 2025
registered at M.I.D.C. Waluj Police Station, Dist. Chhatrapati

Sambhajinagar for offence punishable under sections 117(2), 115(2), 352, 324(4) read with section 3(5) of the Bharatiya Nyaya Sanhita.

2. Pointing to the date of arrest as 12.03.2025, it is submitted that, applicants are falsely involved. That, no overt act is attributed to them. That, allegations of assault are against another person. That, present FIR is counterblast. That, occurrence is of 07.02.2025, but FIR is of 17.02.2025 and therefore there is delayed FIR. That, there is no recovery or discovery at the instance of present applicants. That, investigation is almost over and mere formality of filing charge-sheet is remained and hence learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that applicants are named. That, there are allegations that applicant no.1 was armed with iron rod. That, investigation is still in progress. For above reasons, the application is opposed.

4. Heard. Perused the Papers. FIR dated 17.02.2025 is at the instance of one Ajij Ismail Shaikh and he has reported about occurrence dated 07.02.2025, wherein allegations are that questioning for filing complaint, one Akram, who was armed with axe, used the same resulting into injury on the left knee. Whereas,

present applicant no.1 allegedly hit rod on the face of informant. There are also allegations of causing damage to the vehicle. On above report, crime seems to have been registered.

5. Applicants are arrested on 12.03.2025. Admittedly, occurrence is of 07.02.2025 and it is reported on 17.02.2025 i.e. after 10 days. Prima facie from the FIR, role attributed to Akram is of using axe, whereas role attributed to applicant no.1 Altaf is of using rod and it being hit on the face. But injury certificate of informant victim does not show injury on the face. As regards to other applicants are concerned, there are only allegations of mere slapping.

6. Therefore, considering the role attributed to the applicants, when no recovery or discovery is shown to be made at the instance of present applicants and no purpose would be served by further detention, relief as prayed deserves to be granted. Apprehension of misuse of liberty can be taken care of by imposing stringent conditions. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicants, namely, (i) Altaf Ismail Shaikh, (ii) Alim @ Amin Ismail Shaikh and (iii) Abed Ismail Shaikh be released on bail in connection with Crime No.0154 of 2025 registered with M.I.D.C.

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

[a] The applicants shall not tamper prosecution evidence.

[b] The applicants shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicants shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of their attendance till committal of the case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)