



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.162 OF 2025

Alim S/o. Yusuf Shaikh,
Age : 30 years, Occu. : Agri.,
R/o. Kolibodkha Village,
Tq. Paithan, Dist. Aurangabad. ... Applicant

Versus

The State of Maharashtra
(At the instance of Pachod Police Station) ... Respondent

.....
Mr. Abhaysinh K. Bhosle, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent – State.

.....

WITH

BAIL APPLICATION NO.648 OF 2025

Kalim Isub Shaikh,
Age : 28 years, Occu. : Agri.,
R/o. Koli Bodkha, Tq. Paithan,
Dist. Chh. Sambhajinagar. ... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Pachod Police Station,
Tq. Paithan, Dist. Chh. Sambhajinagar. ... Respondent

.....
Mr. Nitin K. Chaudhari, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent – State.

.....

WITH

CRIMINAL APPLICATION NO.572 OF 2025
IN
CRIMINAL APPLICATION NO.162 OF 2025

Harun S/o. Babu Shaikh,
Age : 27 years, Occu. : Agriculture,
R/o. Kolibodkha, Tq. Paithan,
Dist. Aurangabad.

... Applicant

Versus

1. The State of Maharashtra

2. Alim W/o. Yusuf Shaikh,
Age : __ years, Occu. : Agriculture,
R/o. Kolibodkha, Tq. Paithan,
Dist. Aurangabad.

... Respondents.

.....

Mr. Shaikh Sohail Subhedar, Advocate for Applicant - Informant.
Mr. V. M. Jaware, APP for Respondent - State.
Mr. Abhaysinh K. Bhosle, Advocate for Respondent No.2.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 APRIL 2025

PRONOUNCED ON : 05 MAY 2025

ORDER :

1. Instant applications are for grant of regular bail on account of arrest of applicants in Crime No.505 of 2024 registered at Pachod Police Station, District Aurangabad for offence punishable under sections 109, 118(2), 118(1), 115(2), 352, 351(3), 3(5) of Bharatiya Nyaya Sanhita.

2. Criminal Application No.572 of 2025 is allowed. The original informant is permitted to assist the learned A.P.P.

3. Both learned counsel for applicants pointed out that, there was previous enmity between neighbors. That, though there are allegations of use of axe and rod, injuries suffered are either simple or on non vital parts. That, whatever was to be recovered is already recovered. That, no further recovery or discovery is to be made. That, investigation is over and charge sheet is already filed. That, further custody of applicants is not required. That, case is neither committed nor charge is framed and as such uncertainty prevails over the process of trial and as applicants are ready to abide all conditions deemed fit by this court, they both urged for grant of bail.

4. Learned APP opposed on the ground that there is use of arms like axe and rod for assaulting informant and his relatives. That, some have suffered grievous injuries. That, injuries are on vital part like head. That, there are statements of injured and there is recovery of axe and rod at the instance of applicants.

5. Learned counsel for informant also objected on above count and would add that there is recovery of blood stained clothes and articles. That, they both apprehend misuse of liberty also.

6. Heard. Perused the FIR at the instance of Harun Babu Shaikh dated 23.12.2024. He reported that in the neighborhood of his field, there are field of his cousin Shaukat Karim Shaikh and Yusuf Nura Shaikh. Children of these persons usually picked up quarrel on minor counts. He reported that, on 22.12.2024, when his cousin Shaukat Karim Shaikh went to start motor over the well, it is alleged that, Alim, Kalim, Raisa and Kamrubi beat his cousin with kicks and fist blows. Then, it is alleged that, Alim inflicted blow of axe on his brother's head, as a result of which , his cousin collapsed and thereafter Kalim used iron rod, whereas Raisa used spade for assaulting him. When informant, Karim Bandu Shaikh, Sharifa Shaikh and Tabsum intervened to separate, it is alleged that, threats to kill were issued and again Alim and Kalim approached informant with axe and iron rod, but informant warded off the blows. That time, Alim hit Karim Bandu Shaikh with handle of the axe and Kalim used iron rod, assault on thighs, legs and waist. Kamrubi and Raisa pulled heir of Sharifa and gave fist blows. Tabsum used iron rod and Kamrubi and Raisa also abused and gave slaps and fist blows. On such report, crime has been registered. Statements of above injured are recorded, which are prima facie consistent.

7. On visiting medical papers, it is emerging that, Shaukat Shaikh suffered incised wound on temporal part with fracture to parietal bone and contusion over parietal temporal lobe. Out of which, one is simple and two are reported to be grievous. Shaukat Karim Shaikh suffered chop wound on left parieto occipital region and it is simple injury. Tabsum has no injury. Thus, prima facie there are grievous injuries also and that too on vital parts as reflected in the injury certificates. Papers show that, there is recovery of articles like axe and rod under memorandum of recovery. Therefore, taking the nature of allegations into consideration, articles put to use and in view of above discussion, though charge sheet is filed, this court is not inclined to grant relief.

8. Both bail applications are rejected.

(ABHAY S. WAGHWASE, J.)