

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Bail Application No.1232 of 2025

1. Abbas Imam Shaikh

Age: 30 years, Occu: Business.

2. Asif Khajasahab Shaikh

Age: 20 years, Occu: Student.

Both R/o Gavare Phata, Tal: Baramati

Dist: Pune.

(Presently detained at Yerawada

Central Jail)

... Applicants.

Versus

The State of Maharashtra

(Through Baramati City Police Station,

Tal: Baramati. In connection with CR

No.792 of 2024)

... Respondent.

Mr Priyal G Sarda, Advocate a/w Mr Abhishek Jare and Ms Seema Dighe, for the Applicants.

Mr SV Walve, APP, for the respondent/ State.

PSI Ashok Chavan, Baramati City Police Station.

Coram: R.N. Laddha, J.

Date: 6 October 2025.

P.C.:

By this Application, the Applicants seek bail in connection with CR No.792 of 2024, registered at Baramati City Police

Station, Pune, for offences punishable under Sections 109(1), 115(2), 118(1), 189(2), 190, 351(2), 351(3), 352, 191(2), and 191(3) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'), Section 135 of the Maharashtra Police Act, 1951 and Sections 4 and 25 of the Arms Act, 1959.

2. It is the prosecution's case that, on 16th November 2024 at approximately 6:45 p.m., a verbal confrontation took place between Applicant No.1, Abbas Shaikh, and the Complainant's uncle, allegedly triggered by a dispute involving certain boys engaged in sporting activities on a ground located within the vicinity. It is further alleged that, following the said altercation, the present Applicants, in collusion with fourteen other co-accused individuals, formed an unlawful assembly and, acting in furtherance of a common intention, wrongfully restrained, assaulted, and inflicted injuries upon the Complainant and others who had proceeded to the residence of Applicant Abbas Shaikh to seek clarification regarding the earlier incident. The prosecution additionally alleges that the assault was executed not merely through physical blows but also with the use of dangerous weapons, including a sickle, sattur, koyta, iron rods, wooden logs, and sticks, thereby causing grievous bodily harm to the victims. It has also emerged from the record that one of the co-accused sustained injuries during the course of the said

episode. In consequence of the incident, a First Information Report (FIR) was registered on 17th November 2024, thereby initiating criminal proceedings.

3. Mr Priyal Sarda, the learned Counsel appearing on behalf of the Applicants, asserts the Applicants' innocence, contending that the Applicants have been falsely implicated in the present crime. It is submitted that the Applicants have been languishing in jail since their arrest on 21 November 2024, and that the Applicant No.2 is a 20-year-old student whose continued incarceration is likely to cause irreparable disruption to his academic pursuits and educational advancement. The learned Counsel further submits that the essential ingredients of the offence for which the applicants have been charged are not attracted in the facts of the present case. It is pointed out that co-accused No.3, namely Makdum, has already been released on regular bail, and five other co-accused persons have been granted anticipatory bail by this Court. Thus, except for the present Applicants, all other co-accused have been enlarged on bail, and the principle of parity would squarely apply.

4. The learned Counsel draws attention to the contents of the FIR, which indicates that the informant, accompanied by his relatives, had visited the residence of the accused persons to

confront them regarding certain alleged abusive conduct towards the informant's uncle. It is further submitted that the co-accused Khaja Shaikh, sustained injuries during the said altercation, suggesting that the incident was spontaneous and devoid of any premeditated intent or common design to assault. It is specifically averred that Applicant Abbas had promptly contacted the police helpline immediately following the incident, which reflects his *bona fide* conduct and absence of criminal intent.

5. It is further submitted that the Applicants do not have any criminal antecedents and have maintained a clean record prior to the present allegations. Despite their arrest in November 2024, the Applicants continue to languish in jail, and the trial proceedings have not witnessed any substantial progress. The prosecution proposes to examine as many as seventeen witnesses, yet the charge has not been framed to date, thereby prolonging the Applicants' detention without commensurate advancement in the trial proceedings. On instructions, the learned Counsel submits that the Applicants undertake not to enter the jurisdictional limits of Baramati police station until the conclusion of the trial, as a measure to allay any apprehensions and to demonstrate their willingness to cooperate with the trial proceedings.

6. On the other hand, Mr SV Walve, learned Additional Public Prosecutor representing the respondent/State, has opposed the prayer for bail. He submits that the Applicants have been explicitly named in the FIR, with distinct and identifiable roles attributed to each of them in the commission of the offence. It is further contended that the complainant has sustained grievous injuries, indicative of the serious and violent nature of the incident. The learned APP asserts that the offence in question is of a grave and serious nature. There exists a reasonable apprehension that the Applicants, if enlarged on bail, may tamper with the prosecution's evidence or exert undue influence upon the witnesses.

7. I have carefully considered the submissions advanced by the learned Counsel for the Applicants and the learned Additional Public Prosecutor for the State. The allegations against the Applicants pertain to their alleged involvement in an incident dated 16th November 2024, wherein they, along with several co-accused, are stated to have formed an unlawful assembly and assaulted the Complainant and others using dangerous weapons. The FIR was registered on the following day, and the Applicants have remained in custody since 21st November 2024. The prosecution has invoked serious penal provisions, which attract a stringent scrutiny. However, the

grant of bail must be assessed not solely on the gravity of the offence but also on the surrounding circumstances, the role attributed to the accused, and the progress of the trial.

8. In the present case, the FIR itself reveals that the informant and his relatives had voluntarily approached the residence of Applicant No.1 to confront him regarding an earlier verbal altercation. This sequence of events suggests that the incident may have escalated spontaneously, rather than being the result of a premeditated or orchestrated attack. The fact that one of the co-accused, Khaja Shaikh, sustained injuries during the same episode lends further credence to the possibility of mutual confrontation rather than unilateral aggression. It is also placed on record that Applicant No.1 Abbas Shaikh contacted the police helpline immediately following the incident, which reflects a degree of *bona fide* intent and willingness to cooperate with law enforcement authorities.

9. The Applicants have no criminal antecedents and have maintained a clean record prior to the present allegations. Applicant No.2 is a 20-year-old student, and his continued incarceration is likely to cause disproportionate hardship and disruption to his academic pursuits. The principle of proportionality must be borne in mind, especially when the

trial has not progressed meaningfully. The learned Counsel has rightly invoked the principle of parity. Co-accused Makdum has been granted regular bail, and five other co-accused have secured anticipatory bail. The prosecution has not demonstrated any distinguishing factor that would justify differential treatment of the present Applicants vis-a-vis those already enlarged on bail.

10. Furthermore, the Applicants have undertaken not to enter the jurisdictional limits of Baramati Police Station until the conclusion of the trial, which is a relevant consideration to mitigate any apprehension of witness tampering or interference with the investigation. The prosecution has proposed examining seventeen witnesses, yet the charge has not been framed to date. While the apprehensions raised by the prosecution regarding the seriousness of the offence and potential influence on witnesses are noted, such concerns can be adequately addressed through stringent bail conditions. The Applicants shall be bound by undertakings and shall remain outside the jurisdictional limits of the concerned police station, except for attending court proceedings.

11. In view of the foregoing, and considering the totality of circumstances, this Court is of the opinion that the Applicants are entitled to be released on bail. Hence, the following order:

Order

- (i) The Applicants shall be released on bail in connection with CR No.792 of 2024, registered at Baramati City Police Station, Pune Rural, upon executing a PR Bond of Rs. 25,000/- each and furnishing one or more sureties in the like amount to the satisfaction of the learned jurisdictional Court.
- (ii) The Applicants shall not enter the jurisdiction of Baramati City Police Station till the conclusion of the trial, except for attending Court proceedings, and shall not, either personally or through any other person, attempt to tamper with prosecution evidence or issue any threats, inducements, or promises to prosecution witnesses.
- (iii) The Applicants shall furnish their residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.
- (iv) The Applicants shall regularly attend

the proceedings before the jurisdictional
Court.

12. The application stands disposed of accordingly.

(R.N. Laddha, J.)