

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

Criminal Bail Application No.3138 of 2025

Jafar Dilawar Shaikh

Age: 29 yrs, Occ: Business,
R/at Shankar Maharaj Vasahat,
Dhankawadi, Pune, Dist.Pune.

Pin-43,

(At present in Yerwada Central Prison, Applicant/
Pune) (Org accused No.1)

Vs.

The State of Maharashtra

(At the instance of Shirur Police
Station, CR No.I-811/2024)

... Respondent.

Mr Ghanshyam Jadhav, Advocate for the applicant.

Mr SV Walve, APP for the respondent / State.

PSI Rahul Bhagwat, Shirur Police Station.

Coram : R.N.Laddha, J.

Date : 7 October 2025.

P.C. :

Heard Mr Ghanshyam Jadhav, learned Counsel
appearing on behalf of the applicant and Mr SV Walve,
learned Additional Public Prosecutor, representing the
respondent/State.

2. By this application the applicant seeks bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with the CR No.811 of 2024 registered with Shirur Police Station, Pune Rural, for the offences punishable under Sections 109, 115 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951.

3. The informant has lodged the present FIR alleging that in or around January 2024, a dispute arose between his mother and the accused persons, namely Shubham Mutyal and Ranjana Mutyal. Though the precise nature of the dispute is not delineated in the FIR, it is alleged that both Shubham and Ranjana subsequently issued threats to the informant and his mother, warning them of dire consequences. On 30 September 2024, at about 17:30 hrs., while the informant was present in his Pan stall, the applicant along with co-accused Faizal Kazi approached the informant and initiated a verbal altercation. During the said incident, the applicant was armed with a pistol, which he pointed at the informant in a threatening manner. Thereafter, both accused Faizal Kazi and the present

applicant assaulted the informant with sickles, causing injuries to his head and hand, and fled from the scene.

4. Mr Ghanashyam Jadhav, learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence submits that the applicant has been falsely implicated in the present crime and there are no eyewitnesses to the incident. The charge sheet does not establish any direct nexus between the applicant and co-accused Shubham and Ranjana, nor does it indicate any motive. The informant has a criminal antecedent, whereas co-accused Shubham is a serving police official. The injury certificate from Sasoon Hospital does not corroborate the informant's version, and the medical papers from Shree Ganesha Hospital are not annexed to the charge sheet. The firearm allegedly used has not been recovered from the applicant. The applicant has been in custody since 7 October 2024, and the investigation is complete with the charge sheet filed.

5. On the other hand, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/State, submits that the assault was deliberate,

premeditated, and carried out with the intent to cause grievous harm and instil fear. The applicant and the co-accused played an active and overt role in the commission of the offence, including brandishing a firearm and physically assaulting the informant with the sickles. The weapons were recovered at the instance of the applicant. The informant sustained multiple injuries, which are corroborated by medical papers. The applicant is specifically named in the FIR and his role is distinct and graver than that of co-accused Shubham and Ranjana, who were granted bail on different factual premises.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

7. The allegations against the applicant are grave and pertain to offences involving criminal conspiracy, attempted culpable homicide, and unlawful possession of the arms. The applicant is alleged to have brandished a firearm and assaulted the informant with a sickle. This act *prima facie* demonstrates a deliberate and violent intent. The recovery of weapons at the instance of the applicant lends credence

to the prosecution's case. The applicant's role is not peripheral but central to the execution of the assault. The fact that co-accused Shubham and Ranjana were granted bail does not *ipso facto* entitle the applicant to similar relief, as the nature and the gravity of the allegations differ materially. The contention regarding the informant's antecedents is irrelevant to the determination of the applicant's culpability in the present case. The weapons allegedly used in the offence have been recovered at the instance of the applicant. Moreover, the applicant is specifically named in the FIR. The completion of the investigation and filing of a charge sheet does not automatically warrant release on bail, particularly when the offence is serious and the possibility of tampering with evidence or influencing witnesses cannot be ruled out.

8. In view of the foregoing, this Court is of the opinion that the applicant has failed to make out a case for the grant of bail. The allegations are serious, supported by material evidence, and the applicant's involvement in the crime is evident from the material placed on record. As a result, the present bail application stands rejected.

[R. N. Laddha, J.]