

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

Bail Application No.3430 of 2025

Shaharukh Nissar Shaikh
Age – 26, Occ. - Labour,
R/o. Subhash Road, Pawar Wadi,
Jail Road, Nashik Road, Nashik.
(Presently at Nashik Jail)

... Applicant

versus

The State of Maharashtra
Through the PI Nashik Road Police Station.

...Respondent

Mr Amit Pradhan, for the Applicant.
Mr S S Pednekar, APP, for Respondent / State.

**Coram: R.N. Laddha, J.
Date: 3 December 2025**

P.C.:

By this application, the applicant (accused No.6) seeks bail in connection with CR No.43 of 2025, registered at Nashik Road Police Station, Nashik, for offences punishable under Sections 109(1), 118(2), 352, 118(1), 351(2), 351(3), 189(1), 189(2), 191(2), 190, and 189(4) of the Bharatiya Nyaya Sanhita, 2023, and Section 4(25) of the Arms Act, 1959.

2. It is the case of the prosecution that on 23 January 2025, holding grudges from a previous dispute, accused Nos.2, 5, and 7, initiated a verbal altercation with the informant and his

associate. Following this, the applicant and the co-accused assaulted the informant using kicks, punches and sickles, causing grievous injuries, in an attempt to commit his murder.

3. Mr Amit Pradhan, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that the motive for the commission of the alleged crime is attributed to the co-accused, not the applicant. The weapon allegedly used in the crime has been recovered at the instance of the co-accused. Highlighting that accused No.3, whose role mirrors that of the applicant, along with other co-accused, have already been released on bail, the learned Counsel asserts that the applicant is entitled to seek the benefit of parity. No incriminating material has been recovered from the applicant. The investigation has concluded, culminating in a charge sheet. The applicant has been languishing in jail since 24 January 2025, and no charges have been framed to date. The learned Counsel further submits that the applicant is ready to abide by any conditions imposed by this Court, including to reside outside the territorial limits of Nashik Road Police Station until the conclusion of the trial.

4. Mr SS Pednekar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea

for bail. He submits that the applicant actively participated in the commission of the offence. The offence is grave and serious. The learned APP raises concerns about potential evidence tampering and witness influence if the applicant is released on bail.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar. Upon perusing the records, it appears that the weapon allegedly used in the crime has been recovered at the behest of the co-accused. No incriminating material, including blood-stained clothes, has been recovered from the applicant. The co-accused, whose role is identical to that of the applicant, has already been released on bail. Furthermore, the applicant has been languishing in jail since 24 January 2025. Despite the filing of the charge sheet, the charges are yet to be framed. The prosecution intends to examine as many as thirteen witnesses, and the trial is unlikely to conclude in the near future. The prosecution's apprehensions about potential evidence tampering and witness influence can be mitigated by imposing appropriate conditions. In light of the foregoing, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.43 of 2025, registered at

Nashik Road Police Station, Nashik, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not enter the jurisdiction of the Nashik Road Police Station until the conclusion of the trial, save and except to attend the trial proceedings.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(v) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)