



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. 1229 of 2025

Shaikh Naim Shaikh Karim

Versus

The State of Maharashtra through Police Station Officer, Police Station
Sonala, Dist.Buldhana.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Z.Z.Haq, Advocate for the applicant.

Shri M.A.Barabde, APP for the non-applicant/State.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 24th NOVEMBER, 2025.

The present bail application is filed by the applicant in connection with Crime No. 248 of 2025 dated 05.10.2025 registered at Police Station Sonala, Dist Buldhana for the offence punishable under Sections 109, 118(1), 125, 125(a), 125(b), 189(2), 189(3), 189(4), 190, 191(2), 191(3), 298 and 300 of Bharatiya Nyaya Sanhita, 2023 (in short hereinafter referred as “BNS 2023”).

2. The case of the prosecution is that on 04.10.2025 procession for immersion of Durga Devi is going on. During that time, it is alleged that the accused persons belonging to Muslim Community pelted stone

on procession due to which many members of the procession sustained injuries and some of them received grievous injuries.

3. Learned counsel for the applicant submits that name of the applicant is mentioned in the First Information Report. However, no specific role is attributed against the applicant. Moreover, according to him he was not part of procession and was at home which is 1 km away from the place of alleged incident. Learned counsel further contends that the essential ingredients of several sections invoked in the FIR, particularly those relating to common intention, instigation and participation, are not made out against the applicant.

4. Per contra, learned Additional Public Prosecutor submits that the incident is serious and has caused disturbance to public order. He submits that incident is communal riot and applicant is anti social element. It is submitted that the investigation is at a preliminary stage and that release of the applicants on bail may result in possible influence on witnesses or interference with the further course of investigation. Therefore, rejection of the application is sought.

5. Upon considering the rival submissions, the case diary, and the material presently available on record,

this Court is of the prima facie view that although the allegations relate to a serious incident affecting public peace, the prosecution material as of now does not disclose any specific or individualised role attributed to the present applicant, apart from their bare naming in the FIR. The law is well settled that mere naming of a person in the FIR, without supporting material indicating active participation, is not sufficient to deny the relief of bail at the initial stage, particularly when custodial interrogation is not shown to be necessary.

6. Further, the investigation appears to be in a nascent stage and the prosecution has not demonstrated that any recovery, discovery, or confrontation requiring custody of the applicant remains outstanding. In the absence of prima facie material establishing the applicants' presence or involvement at the scene, continued incarceration would not serve any further purpose. It is also relevant that the offences under Section 109 BNS, though punishable up to ten years, depend upon proof of intention or knowledge, which is yet to be substantiated by cogent material.

7. This Court is conscious of the need to maintain public order and ensure fair investigation; however, the applicant can be subjected to appropriate conditions to safeguard the interest of justice. There is

nothing on record at this stage to indicate that their release on bail would necessarily prejudice the investigation.

8. In these circumstances, I am satisfied that the applicant has made out a case for grant of bail. Hence, the application is allowed on the following terms and conditions:

ORDER

- i. Applicant - **Shaikh Naim Shaikh Karim** be released on bail in connection with Crime No. 248 of 2025 dated 05.10.2025 registered at Police Station Sonala, Dist Buldhana for the offence punishable under Sections 109, 118(1), 125, 125(a), 125(b), 189(2), 189(3), 189(4), 190, 191(2), 191(3), 298 and 300 of Bharatiya Nyaya Sanhita, 2023, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- ii. The applicant shall not in any way tamper with the prosecution evidence or pressurize or threaten the prosecution witnesses.
- iii. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the investigation till filing of the charge-sheet.

[NIVEDITA P. MEHTA, J.]