



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

CRIMINAL APPLICATION(BA) NO. 1272 OF 2025

Riyaz Sheikh Rahim Sheikh Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.M.Daga, counsel for the applicant.
Mr.Anant Ghogare, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 22/12/2025

1) The applicant is arrested in Crime No.1223 of 2024 registered with Police Station, Wardha district Wardha for the offence punishable under Sections 109, 352,351(2) of Bharatiya Nyaya Sanhita, 2023.

2) It is the case of prosecution that, the applicant was residing in the house of informant. On 31.07.2024, on phone call, the informant asked the accused about the rent and electric meter and the accused told the informant that he should come near mahila Ashram, Wardha about 6.45 p.m. Therefore, the informant Ashish along with his friend went there. However, at that time the accused abused the informant in obscene words and gave blows of knife on his abdomen and chest. Thereafter the accused ran away. The

statement of the injured was recorded as dying declaration in hospital and the crime is registered.

3) The learned counsel for the applicant has stated that the injured is discharged from the hospital and the applicant is in jail since last one year and four months. There are antecedents against the accused which cannot be the ground to reject the application. The reliance is placed by the learned counsel for the applicant on the judgment of the Hon'ble Apex Court in the case of ***Panup Mondal @ Telu Vs. The State of West Bengal*** reported in ***Petitions(s) for Special Leave to Appeal (Crl.) No(s.) 2317 of 2025***, wherein though the criminal antecedents were there, the Court has released the appellant on bail as the trial was not initiated. The prosecution witnesses not attended the Court and therefore, not to deprive the liberty of the person, the Hon'ble Apex Court had granted the bail.

4) In this case, the applicant has filed on record the status report, which shows that the matter is listed for evidence since July. Witnesses are not coming forward and no witness is examined by the Court. Though the offence is serious and there is criminal antecedent; as the witnesses are not coming before the Court and since one year and four months the applicant is in jail, the case is made out to

release the applicant on bail. Accordingly, I pass the following order:

- i) Criminal application is allowed.
 - ii) Applicant- Riyaz Sheikh Rahim Sheikh be released on bail in Crime No. 1223 of 2024 registered with Police Station, Wardha district Wardha for the offence punishable under Sections 109, 352, 351(2) of Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.
 - iii] The applicant shall not in any way tamper with the prosecution evidence.
 - iv] The applicant shall not pressurize or threaten the prosecution witnesses.
 - v] The applicant shall co-operate the learned trial judge in the conduct of the trial.
- 5) The Criminal Application stands **disposed of** accordingly.
- 6) Pending application/s if any, is/are stand/s disposed of.

JUDGE