



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

Order is corrected
as per order dt.
26.11.2025

Criminal Application (BA) No. 1227 of 2025

Nashir Shah Vajir Shah and Shiakh Sultan Shaikh Bakshu

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 D.S. Sirpurkar, Advocate for the applicants.

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

The present bail application has been filed by the applicants in connection with Crime No. 248 of 2025 dated 05.10.2025 registered at Police Station Sonala, District Buldhana, for offences 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 the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS 2023").

2. The prosecution case, in brief, is that on 04.10.2025, during a procession for immersion of Durga Devi, certain persons allegedly pelted stones towards the procession, resulting in injuries to several participants,

including grievous injuries to some. On this basis, the aforementioned crime was registered.

3. Learned counsel for the applicants submits that although the names of the applicants appear in the FIR, no specific overt act or individual role is attributed to either of them. It is submitted that the applicants were not present at the spot of incidence. It is submitted that the Applicant No.1 is recently engaged and his marriage is scheduled shortly, whereas Applicant No.2 is suffering from hypertension and diabetes. 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 applicants.

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 applicants, 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 applicants 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 applicants 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 applicants have made out a case for grant of bail. Hence, the application is allowed on the following terms and conditions:

ORDER

Order is
corrected as per
order
dt.26.11.2025

i. Applicant no.1 - **Nashir Shah Vajir Shah** and applicant no.2 - **Shaikh Sultan Shaikh Bakshu** 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 their furnishing P.R.Bond in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand only) each with one surety in the like amount.

ii. The applicants shall not in any way tamper with the prosecution evidence or pressurize or threaten the prosecution witnesses.

iii. The applicants 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.]