IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1675 OF 2026

BABAMIYA SARDAR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. P. C. Bhagure h/f. Mr. Kewal H.Dongre
APP for Respondent - State : Mr. K. K. Naik

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 12th OCTOBER, 2026

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for respondent - State.

2. The present application is filed by the applicant seeking regular bail in connection with his arrest in Crime No. 326 of 2026, registered with Bidkin Police Station, District Chhatrapati Sambhajinagar, for offences punishable under Sections 109, 326(f), 74, 189(2), 191(2), 115(2), 351(2) and 324(4) of Bharatiya Nyaya Sanhita (BNS).

3. The prosecution story, in short, is that there exists previous animosity between the family of the informant and the accused persons on account of the killing of the son of the accused Hasina. On the date of the incident, it is alleged that there was a verbal confrontation between the injured informant and the

accused persons, and during the same, it is alleged that the accused persons set the agricultural field of the informant on fire and assaulted the informant and her husband, due to which she sustained injuries. The offence under Section 109 of the BNS has been registered against the accused persons.

4. Perusal of the FIR shows that there are two-fold allegations against the present applicant. Firstly, there is an allegation that the present applicant had set the agricultural field on fire and thereafter had lifted the informant along with the co-accused Kalim and tried to throw the injured informant into the fire. There is also an allegation of assaulting the injured informant with the aid of a stick. It is a matter of record that the investigation is complete and the charge-sheet has been filed.

5. Learned APP resists the application by stating that there is a specific role attributed to the present applicant and he cannot be said to be at par with the role assigned to the accused Kalim Shaikh, who has been released on bail. He submits that the previous injury certificate did not finally determine the nature of the injuries, but the subsequent injury certificate issued by a private hospital dated 21.05.2026 shows that there are grievous injuries. He submits that the period undergone is not proportionate to the allegations levelled against the present applicant, and

therefore, the application deserves to be rejected.

6. I have perused the copy of the FIR and also the material to annexed along with the charge-sheet. The allegations against the present applicant, no doubt, are serious in nature, but the allegations are not singularly directed against the present applicant but are also against the released accused Kalim Shaikh. Accused Kalim Shaikh has been released on bail by this Court by its order dated 13.07.2026 in Bail Application No.1191 of 2026. The role attributed to the present applicant cannot be segregated from the role that has been assigned to the accused Kalim Shaikh, and therefore, in my opinion, the principles of parity apply. The applicant deserves to be released on bail. Hence, the following order :

ORDER

(I) The application is allowed.

(II) Applicant – Babamiya Sardar Shaikh, be released on bail in connection with Crime No.326 of 2026 registered with Bidkin Police Station, District Chhatrapati Sambhajinagar, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions :

[a] The applicant shall not tamper prosecution evidence.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale