



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1731 OF 2025

SHAIKH MOIEN ALIAS LALA SHAIKH MEHMOOD
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents-State : Mr. P. P. Dawalkar

CORAM : SACHIN S. DESHMUKH, J.

Date : 4th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 11.01.2025 bearing Crime No. 12 of 2025 registered with Airport Police Station, Dist. Nanded for the offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 4/25 of the Indian Arms Act.

2. The prosecution's case is that the report of the incident is lodged by the informant who is brother of the victim alleging that in between 9.00 pm on 10.01.2025 to 7.00 am of 11.01.2025, below the Maltekadi bridge, some unknown persons committed murder of his brother Shaikh Saddhik by stabbing him with sharp pointed weapon on his chest, etc. Accordingly, the FIR is lodged on

11.01.2025.

3. The learned counsel for the applicants submits that it is a case of circumstantial evidence. Initially, the FIR was lodged against the unknown person. There is no material on record to indicate the complicity of the applicant in the crime. Moreover, the investigation is complete and the charge-sheet has been filed. Nothing remains to be recovered at the instance of applicant. As such, further incarceration of the applicant is unjustified. Hence, the counsel prayed to allow the application.

4. Per contra, the learned APP opposed the application submitting that the crime is of a serious nature and that there is sufficient material on record indicating the complicity of the applicant. It is contended that if the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence. Accordingly, prayed for the rejection of the application.

5. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the entire case of prosecution against the applicant rests on circumstantial evidence. The incident was reported by the victim's brother against "unknown persons". This prima facie indicates that there are no eyewitnesses to the incident. In such

cases, the prosecution must establish a "complete chain of evidence" that excludes any possibility of innocence. If any link in this chain, such as motive, last seen theory, or recovery, is weak or missing, bail is can be granted and the same is prima facie absent. In that view of the matter, the aplicant can be admitted to the bail.

6. Nevertheless, the investigation is complete for all intent and purposes. Resultantly, the charge-sheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

7. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

8. Hence, the following order :-

ORDER

- (I) The Bail Application is **allowed**.
- (II) Applicant – Shaikh Moien @ Lala Shiakh Mehmood be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 12 of 2025 registered with Airport Police

Station, Dist. Nanded for the offences punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023 alongwith Section 4/25 of the Indian Arms Act, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Cards to the Investigation Officer and detailed address and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi