



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

22 BAIL APPLICATION NO. 1951 OF 2025

Ashfak Asef Shaikh

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

Mr. V. P. Kadam, Advocate for Applicant
Smt. R. R. Tandale, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19th JANUARY, 2026.

PER COURT :

1. The Applicant seeks regular bail in connection with Crime No. 343/2025 registered with Ambad Police Station, Dist. Jalna, for the offences punishable under Sections 305, 331(4), 317(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 26.06.2026 at about 6.00 am, when the complainant and his wife had been to the room of their house at ground floor, they saw that the lock and the latch of the room were broken and upon entering the said room noticed that the jewellery and the cash kept in the room were stolen. On this backdrop, the First Information Report came to be lodged.

3. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the offence. The First Information Report was registered against the unknown person. The prosecution has not undertaken test identification parade to prove identity of the alleged accused. It is further submitted that nothing is to be recovered from the Applicant. The co-accused is enlarged on bail. Hence, prayed to release the Applicant on the ground of parity.

4. Per contra, learned APP for the State vehemently opposed the application. It is submitted that there are several criminal antecedents of similar nature against the present Applicants. The articles in the crime are recovered from the Applicant which establishes complicity of the Applicant in the crime. Hence, prayed to reject the Application.

5. Upon considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the First Information Report is registered against an unknown person. In absence of test identification parade, prima facie, it appears to be a case of false implication. The investigation is complete for all intent and purposes. Resultantly, the chargesheet is

filed. Having regard to the fact that the co-accused involved in the crime is released on bail, further detention of the present 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.

ORDER

- (i) Application is allowed.
- (ii) Applicant Ashfak Asef Shaikh, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.343/2025 registered with Ambad Police Station, Dist. Jalna, for the offences punishable under Sections 305, 331(4), 317(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 , on the following conditions :-
 - (a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the 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 state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)

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