



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2160 OF 2025

LATIF YAKUB SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Yogesh A. Jadhav
APP for Respondents-State : Mr. S. D. Ghayal

WITH

BAIL APPLICATION NO. 2161 OF 2025

MOBIN MUNAF SAYYED
VERSUS
THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 4735 OF 2025
IN BA/2161/2025

SAHIL AKBAR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Sohail S. Shaikh (Assist to PP)

WITH

CRIMINAL APPLICATION NO. 4742 OF 2025
IN BA/2160/2025

SAHIL AKBAR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Sohail S. Shaikh (Assist to PP)

WITH

BAIL APPLICATION NO. 2238 OF 2025

JUBER EAJ SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Vakil Afzal Husain M.
APP for Respondents-State : Mr. S. D. Ghayal

CORAM : Sachin S, Deshmukh, J.

Dated : 12th January, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 02.07.2025 bearing Crime No. 396 of 2025 registered with Bidkin Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 140(3), 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 30.06.2025, the father of the informant Akbar Mehboob Shaikh went alongwith accused Shahrukh and two other persons. He did not return home and went missing and was found dead on the next day near bridge on Paithan – Dadegaon Mungi Road. Initially, on 01.07.2025, the missing Report bearing No. 34 of 2025 came to be lodged.

3. It is further alleged by the prosecution that the police machinery started taking search by finding mobile tower location of co-accused Shahrukh and effected his arrest. The dead body of deceased was found on 01.07.2025. During the course of the investigation, accused Shahrukh confessed the commission of offence alongwith other accused by means of pistol and knife. Accordingly, the FIR came to be lodged and the arrest of the applicants has been effected.

4. The learned counsel for the applicant submits that the applicants have been falsely implicated in the offense. The entire case is based on the circumstantial evidence. The learned counsel also submits that a co-accused in this crime has already been enlarged on bail; therefore, on the grounds of parity, it is prayed that the application be allowed.

5. The learned APP opposed the application, submitting that the offense is serious in nature and that there is sufficient material on record to establish the applicant's complicity. The CCTV record indicates that applicant and co-accused are seen alongwith the deceased. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offense being

repeated. Accordingly, it was prayed that the application be rejected.

6. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, prima facie indicates that all the substantive allegations are levelled against accused No. 1 and not against the present applicants. The applicants have been indiscriminately roped into this case based on their relation to the prime accused and other circumstantial evidence, specifically Call Detail Records (CDR).

7. The evidentiary value and reliability of those materials are aspects to be meticulously examined during the course of trial. Such circumstantial evidence, particularly when no direct evidence exists against the applicants and the case is primarily hinges on the "last seen" theory, cannot serve as the sole basis to justify withholding their liberty. Specifically, when there is prima facie cogent chain of events to indicate the complicity of the applicants is absent.

8. Nevertheless, the investigation is complete for all intent and purpose and the charge-sheet is filed. Having regard to the number of 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. As such, further detention of the applicants 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 favour of the applicants.

9. Hence, the following order:

ORDER

- (I) Applications are **allowed**.
- (II) Applicants – Latif Yakub Shaikh, Mobin Munaf Sayyed, Juber Ejaj Shaikh be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in Crime No. 396 of 2025 registered with Bidkin Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 140(3), 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- (c) The applicants shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (d) Breach of any of the conditions by the applicants would entail the cancellation of the 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.
- (iv) Resultantly, pending criminal applications also stand disposed of.

(Sachin S, Deshmukh, J.)

Omkar Joshi