



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2432 OF 2025

SHAIKH SALEEM SHAIKH SHARIF
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent-State : Mr. B. B. Bhise
Advocate for Applicant (CriAppln) : Mr. Suvidh S. Kulkarni (Assit to PP)

WITH
CRIMINAL APPLICATION NO. 135 OF 2026
IN BA/2432/2025

CORAM : SACHIN S. DESHMUKH, J.

Date : 27th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 11.11.2025 bearing Crime No. 296 of 2025 registered with Kranti Chowk Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 103(1), 109, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 alongwith Sections 37(1), 37(3) and 135 of the Maharashtra Police Act.
2. According to the prosecution, for a period of three days

leading up to the incident, a continuous altercation occurred between the informant's cousin, the deceased Imran Qureshi and a mobile shop owner Salim Sharif Shaikh. The dispute centered on the deceased standing in front of "SS Mobile Shoppee" to consume food. Following these disagreements, a compromise was mediated between the parties on 08.11.2025 at 10.00 pm.

3. The further case of the prosecution is that on 10.11.2025 at 10.15 pm, the deceased Imran alongwith informant and Harun Qureshi were eating in front of the said shop at Paithan Gate. During this time, the accused, Parvej, directed abuse toward the deceased and emerged from the mobile shop armed with a knife. The accused then assaulted Imran on the neck, causing a fatal injury and profuse bleeding. Although the accused attempted to assault the informant and Harun Qureshi, they managed to escape the attack. The accused subsequently fled the scene, and Imran was shifted to the hospital, where he was declared dead. Based on these events, the FIR was lodged.

4. The learned counsel for the applicant submits that the primary allegation against the present applicant, Shaikh Saleem Shaikh Shareef, is limited to a prior dispute regarding the deceased standing in front of his shop. It is submitted that a compromise had

already been reached between the parties on 08.11.2025, two days before the incident, which effectively resolved any prior animosity. There is no evidence on record to suggest that the applicant renewed any provocation after this settlement. The arrest of the applicant has been effected on 11.11.2025 and since then, he is in jail. Further incarceration of the applicant is unjustified. As such, prayed to allow the application.

5. The learned APP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. 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 offence 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, it prima facie appears that the actual assault on 10.11.2025 was executed by the co-accused Parvej. There is no allegation that Shaikh Saleem was armed or had participation in the physical violence. As such, in the absence of an overt act, the applicant's liberty should not be curtailed.

7. Moreover, the allegation that the incident occurred on

the "instructions" of the applicant is a bare statement lacking corroboration. To sustain such a claim, the prosecution must prove a meeting of minds and it is matter of trial. Since the applicant was not the assailant and the weapon (knife) is reportedly linked to the co-accused, no recovery is sought from the applicant. As such, his continued incarceration serves no purpose before the trial.

8. The investigation is almost complete. Having regard to nature of offence and role of the applicant, 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. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing certain stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

9. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Shaikh Saleem Shaikh Sharif 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 Crime No. 296 of 2025 registered with Kranti Chowk Police Station,

Dist. Chhatrapati Sambhajanagar for the offences punishable under Sections 103(1), 109, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 alongwith Sections 37(1), 37(3) and 135 of the Maharashtra Police 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 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 application also stands disposed of.

(SACHIN S. DESHMUKH, J.)