



*Bail Appln.No.2002/2025 with
Bail Appln.No.2469/2025*

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**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2002 OF 2025

Azhar s/o Saheblal Shaikh

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. N.S. Ghanekar, Advocate for applicant

Mr. C.V. Bhadane, A.P.P. for respondent – State

.....

WITH

CRIMINAL APPLICATION NO.4249 OF 2025 IN
BAIL APPLICATION NO.2002 OF 2025

Shaikh Rashid Shaikh Sandu

... **APPLICANT**

VERSUS

Azhar Saheblal Shaikh & anr.

... **RESPONDENTS**

.....
Mr. Jitendra S. Jain, Advocate for applicant

Mr. N.S. Ghanekar, Advocate for respondent No.1

Mr. C.V. Bhadane, A.P.P. for respondent No.2 – State, assisted by

Mr. Jitendra S. Jain, Advocate for original informant

.....

WITH

BAIL APPLICATION NO.2469 OF 2025

Adnan Ayub Shaha

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....

Mr. Satej S. Jadhav, Advocate for applicant

Mr. C.V. Bhadane, A.P.P. for respondent – State, assisted by

Mr. S.G. Ladda, Advocate for original informant

.....

WITH

CRIMINAL APPLICATION NO.66 OF 2026 IN
BAIL APPLICATION NO.2469 OF 2025

Shaikh Rashid Shaikh Sandu

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mr. S.G. Ladda, Advocate for applicant

Mr. C.V. Bhadane, A.P.P. for respondent – State

Mr. Satej S. Jadhav, Advocate for respondent No.2

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 21st JANUARY, 2026

PER COURT :

Criminal Applications No.4249/2025 and 66/2026 are allowed. The original informant is permitted to assist learned A.P.P.

2. By these Bail Applications, the applicants seek release on regular bail in connection with Crime No.226/2025, registered

with Chikalthana Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 103(1), 140(1), 238, 61(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case in short is that, the deceased Shaikh Kadir, who was nephew of the informant, was missing since 9/5/2025 and his cellphone was not reachable. On search, the informant received information that one dead body was found in a well in the vicinity of Savali. The dead body was identified to be of Shaikh Kadir having injury on the head and the throat was choked by clothes. Initially the informant raised suspicion on one Azim Shaikh Darbar and Azhar Saheblal, Siddiq Yunus and Rasees Mistri and accordingly report came to be lodged. During investigation, it transpired that, Azhar Saheblal Shaikh, Abdul Raheman Shaikh, Shaikh Saheblal and the applicant Adnan Ayub Shah, in furtherance of their common intention, committed murder of Shaikh Kadir.

4. Mr. Ghanekar and Mr. Satej Jadhav, learned counsel for the applicants submit that, the prosecution case is based on circumstantial evidence. There is no material to connect the

present applicants with the alleged incident. The statements of witnesses are recorded at a belated juncture so as to ensure implication of the present applicants. There are no criminal antecedents as against the present applicants. In order to implicate the present applicants, the statements of the witnesses are recorded on last seen theory, which is also at a belated juncture. In any case, the investigation is complete. Charge sheet is filed. Further incarceration of the applicants is, therefore, unwarranted.

5. Per contra, learned A.P.P. and Mr. Ladda, learned counsel for the respondent No.2 have vehemently opposed the Bail Applications, submitting that, the applicants have committed the offence in a clandestine manner. There is overwhelming evidence collected by the investigating officer during the course of investigation. The applicants have brutally committed murder of the victim and as such, the applications do not warrant consideration and resultantly, prayed for rejection of the applications.

6. Upon hearing the respective counsel for both the sides

and perusal of the material on record, the prosecution case is based on circumstantial evidence. The chain of the circumstantial evidence. Prima facie the date of alleged incident is 9/5/2025 whereas the F.I.R. is lodged on 12/5/2025. There is delay of 3 days in lodging the report. Nevertheless, the statement on last seen theory is recorded on 17/6/2025. Even the vehicle which is alleged to have been used for the commission of offence is seized on 10/6/2025, wherein allegedly the blood stains are noted. Apart from the aforesaid aspects, the material which is recovered from the Godown is at a belated juncture. Thus, considering the totality of the facts and circumstances those are mentioned hereinabove, prima facie, possibility of false implication cannot be ruled out.

7. Nevertheless, the investigation is complete for all intents and purposes. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant.

8. Considering the number of witnesses those are cited by the prosecution, the trial will take its own time. As such, pre-trial detention of the applicants is unwarranted. Hence the order :

ORDER

- (i) Both the Bail Applications are allowed.
- (ii) The applicants Azhar Saheblal Shaikh and Adnan Ayub Shaha be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) each with one solvent surety of the like amount by each of them in the above crime, on the conditions that :
 - (a) The applicants shall not tamper with the prosecution witnesses.
 - (b) The applicants shall remain present on each date, unless exempted by the trial Court.
- (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.)

fmp/-