



IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.2520 OF 2025

Shadab Javed Shaikh

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Ms S.G. Sonawane, Advocate for applicant

Ms R.R. Tandale, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.1049/2025, registered with Shrirampur City Police Station, District Ahilyanagar for the offences punishable under Sections 3, 7, 9, 25(8), 29 of the Arms Act.

2. The prosecution case is that, on the basis of secret information, two persons were found roaming in suspicious condition. A country-made revolver in the dicky of the bike and live

cartridges were found. A raid was conducted at the house of the present applicant in which a country-made revolver and live cartridges were kept on the wall of the house. The firearms came to be seized and accordingly crime came to be registered against the said two persons along with present applicant.

3. Learned counsel for the applicant submits that, the implication of the present applicant is on the basis of statement of the co-accused who is a juvenile in conflict with law. The recovery is effected. As such, further incarceration of the applicant would be unjustified. Hence, prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application contending that, the applicant is involved in carrying arms with the help of juvenile accused and as such, if the applicant is released on bail, he would indulge in similar offences. Hence, prayed to reject the application.

5. Upon considering the submissions advanced by learned counsel for both the sides and perusal of the material on record, arrest of the applicant is prima facie effected on the basis of the statement of the co-accused, who are juvenile in conflict with law. Moreover, it is settled principle of law that, statement of co-accused

is not substantive evidence. Furthermore, the recovery of weapon (gun) has already been made. In that view of the matter, as there is no sufficient material on record, the prolonged pre-trial incarceration of the applicant is unjustified.

6. Nevertheless, the investigation is complete for all intents and purpose. In that view of the matter, I am inclined to exercise discretion in favour of the applicant.

7. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Shadab Javed Shaikh be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any way.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court

shall decide the trial on its own merits and in accordance with law.

(SACHIN S. DESHMUKH, J.)

fmp/-