



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

**BAIL APPLICATION NO. 562 OF 2026
AND
CRIMINAL APPLICATION NO. 1165 OF 2026 IN BA/562/2026**

1] Shaikh Arbaz S/o Shaikh Chand Pasha,
Age: 20 years, Occu : Student,
R/o. Pimpri Rohila,
Taluka – Jintur, District – Parbhani

2] Shaikh Ashfak S/o Shaikh Chand Pasha,
Age : 25 years, Occu : Labourer,
R/o. As above
(Both at present in Jail)

... Applicants
(Orig. Accused No.8 and 15)

VERSUS

The State of Maharashtra,
Through : Police Station Officer,
Bori Police Station,
Bori, Taluka – Jintur,
District – Parbhani

... Respondent.

...
Advocate for Applicants : Mr. Swapnil S. Rath
A.P.P. for Respondent/State : Mrs. P.V. Diggikar

CORAM : SHAILESH P. BRAHME, J.

DATE : 30.03.2026

PER COURT :

Heard both sides.

2. The applicants are seeking regular bail in connection with Crime No. 262 of 2025, registered with Bori Police Station, Taluka – Jintur, District – Parbhani for the offences punishable under Section 103(1), 296, 115(2), 118(1), 118(2), 333, 189(2), 191(2), 190, 125(b), 109 of Bharatiya Nyaya Sanhita, 2023. The incident occurred on 21.10.2025.

3. The applicant no. 1 – Arbaz was arrested on 22.10.2025. Applicant no. 2 was arrested on 31.10.2025. Charge-sheet is filed on 13.01.2026.

4. It is reported by the informant – Vishal Dukre that in an unlawful assembly, the accused persons had quarrel with persons belonging to Hindu community on account of quarrel amongst the children. One Maruti who tried to intervene, was also assaulted and done to death. Nine persons are injured. It is alleged that applicant no. 1 – Shaikh Arbaz along with Shaikh Tarek assaulted by belt. Thereafter, both the applicants along with others are alleged to have pelted stones.

5. A report was also lodged at the instance of Shaikh Mohsin Shaikh Azam bearing Crime no. 263 of 2025.

6. Learned counsel for the applicants Mr. Rathi submits that the allegations against applicant no. 1 are venial. No specific role is attributed to the applicant no. 2. It is further submitted that the statements of the injured eye witnesses also do not attribute any role to applicant no. 2 - Shaikh Ashfak. Applicant no. 2 is implicated due to statement dated 06.11.2025 of Vajinath. It is submitted that main perpetrators have been granted bail.

7. Learned counsel for the applicants submits that applicant no. 1 is a first year BA student and previously he was granted temporary bail. He had surrendered as per the conditions.

8. Learned APP vehemently opposes the application mainly on the ground that there was unlawful assembly and presence of the accused was seen. Specific role is attributed to them of pelting stones as well as assaulting by belt. The statements of eye witnesses who are injured witnesses are also recorded. It is submitted that the offence is very serious in nature and 9 persons are injured and one person died. A rod has been recovered at the instance of the applicant no. 1.

9. I have gone through the FIR, Statements of deceased Maruti, Arjun Kailash and Pramod. Nothing is spelt out against applicant no. 2 - Shaikh Ashfak. The role attributable to the applicant no. 1 is assault by belt and pelting of stones. The allegations of pelting of stones can be said to be omnibus. Applicant no. 2

Shaikh Ashfak is implicated due to the statement of Vaijnath recorded on 06.11.2005. It is alleged that Shaikh Ashfak had held the hands of deceased Maruti, so as to facilitate the assault by other persons. Improvisation is not supported by statement of the other witnesses.

10. It reveals from record that applicant no. 1 Shaikh Arbaz was granted bail on earlier occasion to facilitate him to appear for examination and he has surrendered after the examination was over. The co-accused is stated to be the main perpetrator and he was released by the Sessions Court on 23.03.2026. Other co-accused were released on bail by order dated 20.01.2026. I find that further detention of the applicants is not required.

11. Hence, I pass the following order :-

ORDER

I) The Bail Application is allowed.

II) The applicants shall be released on bail in connection with Crime No. 262 of 2025, registered with Bori Police Station, Taluka – Jintur, District – Parbhani for the offences punishable under Section 103(1), 296, 115(2), 118(1), 118(2), 333, 189(2), 191(2), 190, 125(b), 109 of Bharatiya Nyaya Sanhita, 2023 on following conditions:

(a) The applicants shall furnish P.R. bonds of Rs.25000/- (Rs. Twenty Five Thousand only) each with one solvent surety each of the like amount.

(b) The applicants shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicants shall furnish his mobile/cell number and address to the investigating officer

(d) The applicants shall surrender their Adhsar and PAN Cards.

12. Consequently, Criminal Application no. 1165 of 2026, seeking temporary bail, is rejected.

(SHAILESH P. BRAHME, J.)

arp/-