



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

BAIL APPLICATION NO.8 OF 2026

Mohammad Shehbaz Mohammad Harun ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. S.W. Munde, Advocate for applicant
Mr. A.R. Kale, A.P.P. for respondents
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th FEBRUARY, 2026

PER COURT :

By this application, the applicant seeks release on regular bail in connection with Crime No.0302/2024, registered with Nanded Rural Police Station, for the offences punishable under Sections 302, 307, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code and Sections 4/25, 7/25 and 27 of the Arms Act.

2. The incident which occurred in the intervening night of 13th and 14th April, 2024 at 00.30 to 00.45 Hrs., wherein it is alleged that the deceased was assaulted by 7-8 persons while covering

their face and the accused Sikandar was identified by the informant.

3. Learned counsel for the applicant submits that, the applicant has not been named in the F.I.R. The implication of the applicant is in the supplementary statement which is recorded after two weeks. There is no recovery at the instance of the present applicant. The test identification parade is not conducted.

4. Learned counsel for the applicant further submitted that, since the applicant is similarly situated at par with the co-accused in Criminal Application No.9/2025 and 1930/2025, wherein this Court, by orders dated 27/3/2025 and 19/12/2025 respectively, has granted bail to the co-accused. As such, the applicant is entitled for bail on the ground of parity. In any case, the chargesheet is filed. As such, further incarceration of the applicant is not necessary.

5. Learned A.P.P. has opposed the application, pointing at the number of injuries inflicted by the accused. Considering the gravity of the offence and in all 7-8 assailants were involved in the alleged incident, are specifically named in the supplementary statement. Hence, prayed to reject the application. Moreover, expressed an apprehension that if release on bail, the applicant

may influence the prosecution witnesses.

6. Considering the submissions and perusal of the record, including chargesheet, the applicant is not named in the F.I.R. and also in absence of test identification parade. Keeping in view that the co-accused are released on bail, same entitles the applicant for parity. The investigation is complete for all intent and purposes. Resultantly, chargesheet is filed.

7. Having regard to the number of the accused and the witnesses which the prosecution propose to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicant as an undertrial 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. The apprehension expressed by the learned A.P.P. can be adequately taken care of by imposing stringent conditions.

8. Resultantly, following order is passed :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant Mohammad Shehbaz Mohammad Harun 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 following conditions :

- (a) After release from jail, the applicant shall report to the Investigating Officer as and when called for in writing.
- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) The applicant shall not enter within the jurisdiction of Nanded Rural Police Station, till conclusion of the trial.
- (d) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (e) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (f) Applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (g) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (h) In case of infraction of the above conditions and/ or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. Needless to state that the observations made

hereinabove are confined to the decision on the bail application and the trial Judge may not get influenced by the same and decide the case on the basis of the evidence on record and in accordance with law.

(SACHIN S. DESHMUKH, J.)

fmp/-