



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

BAIL APPLICATION NO. 334 OF 2026

ASIF SALIM SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Thorat Nanabhau R.

APP for Respondents : Mr. N.R. Dayma

...

WITH

BAIL APPLICATION NO. 358 OF 2026

KISHOR ALIAS PAPPUR BHAND

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. K.N. Shermale

APP for Respondent : Mr. N.R. Dayma

...

CORAM : RAJNISH R. VYAS, J.

DATE : 18TH MARCH, 2026

PER COURT :

1. These two applications are filed by the accused persons, named in First Information Report No. 151/2025, dated 10.08.2025, registered with Aashwi Police Station, District Ahilyanagar, for commission of offences punishable under Sections 103 (1), 3 (5) of the Bhartiya Nyaya Sanhita, 2023.

2. Applicant in Bail Application No. 334/2026, is one Asif

Salim Shaikh, who was named as accused no. 1 in the FIR.

3. In Bail Application No. 358/2026, accused Kisor @ Pappu Prakash Bhand, has approached this court, who shown as accused no. 3 in the FIR.

4. The reporter of crime is one Bilkis @ Shakira Mehmood Shaikh, who in the FIR dated 10.08.2025, has alleged that on 08.08.2025, at about 08:45 p.m., when he was at home, he received a phone call from Asif Shaikh / friend of son of the informant, who informed that Matin / son of the informant has sustained injuries on his back due to the iron nail and is taken to Pravara Hospital, Loni. The informant immediately reached the hospital and when enquired from Matin, it was told to him that when Matin along with Sohail Andhale, Pappu Bhand and Gautam were sitting in the temple, the scuffle took place, when Sohail Andhale, Pappu Bhand and Gautam caught hold of his hands and legs. Asif then stabbed the iron nail in the back of the Matin, on the count that Matin had been to Asif's father for demanding amount of Rs. 200/-.

5. This incident has resulted into registration of FIR and carrying out the investigation. Completion of investigation, resulted into

filing of chargesheet. Matin had died on 09.08.2013. During the course of investigation, the present applicants were arrested. So far as applicant Asif is concerned, he was arrested on 10.08.2025, so also the applicant Kishor @ Pappu.

6. The post mortem report conducted shows that cause of death was Traumatic and hemorrhagic shock due to puncture wound over back.

7. Learned counsel for the applicants submitted that if the allegations in FIR and the statements of witnesses are perused, it would be revealed that there was neither intention nor knowledge to commit the offence and it is at the spur of moment incident has happened. Both the learned counsel for the applicants submitted that since the accused have no criminal antecedents, they be released on bail. They have also relied upon the order passed by this Court in Bail Application No. 2510/2025, dated 30.01.2026, granting bail to the co-accused Gautam and Sohail @ Rahul. They thus prayed for extending benefit of parity.

8. Per contra, learned APP Mr. Dayma, has submitted that the offence against the applicants is serious and the victim has lost his life. He, further, submitted that the case of the prosecution which is narrated in the FIR is supported by way of medical evidence i.e. the post mortem

report. Learned APP has also submitted that there is an eye witness to the incident by name Damu Vithoba Andhale.

9. I have gone through the statement of said Damu, who has also stated that on the day of the incident, the accused persons along with the deceased were sitting on the platform near the temple and on some trivial reasons, there was quarrel which was going on between them and the said witness has asked all of them to keep quiet. Thereafter, applicant Asif and his friend Gautam came and accused Sohail and Pappu demanded amount from the deceased for drinking liquor, so also checked his pocket. Asif has also asked other persons to caught hold of the deceased and, thereafter, Asif by some weapon, the stab was given on the back. Since according to him, deceased Matin had been to the father of Asif for demanding the money, at that time. Though the present witness interfered, the accused persons, assaulted the victim.

10. At this juncture, it is necessary to mention here that the present incident had taken place on 08.08.2025, whereas the said Matin has died on 09.08.2025. Whether the said Matin was in a position to give a statement / dying declaration or not, has not been brought on record by the prosecution.

11. Perusal of FIR would reveal that the deceased along with the accused persons were sitting in the temple and the scuffle had taken place at the spur of moment. So far as the injury caused on the back of the deceased by iron nail is concerned, it is pertinent to mention here that the iron nail was removed from the body of the deceased but surprisingly, the size of the weapon, is not given in the chargesheet, which fact is also not disputed by the learned APP.

13. Though, the wound suffered is a puncture wound, fact remains that the nature of weapon used would be one of the determinative factors for arriving to the conclusion that whether there was an intention on the part of the applicants to commit the offence or not. Not only this, the co-accused by name Gautam and Sohail @ Rahul are released on bail by this Court on 30.01.2026. The manner in which the incident had taken place, *prima facie*, shows that there is a substance in the arguments made by both the counsels, that there is likelihood that the charge may be diluted at the end of trial. The facts also remains undisputed that the present applicants have no criminal antecedents and investigation is complete. Considering the aforesaid facts, I am inclined to allow the present applications, consequently, following order is passed :

ORDER

- i. Bail Applications are allowed.
- ii. The applicants shall be released on bail in connection with FIR No. 151/2025 dated 10.08.2025, registered with Aashwi Police Station, District Ahilyanagar, for commission of offences punishable under Sections 103 (1), 3 (5) of the BNS, on furnishing P.R. bond of Rs. 25,000/- (Rupees twentyfive thousand) each with one surety in the like amount, on the following terms and conditions.
- iii. The applicants shall attend the concerned police station on every Sunday between 6 and 7 evening.
- iv. The applicants shall not influence the witnesses or tamper the evidence.
- v. The prosecution is at liberty to move the application for cancellation of bail, if the applicants breach any of the conditions.
- vi. The applicants shall not leave the country without prior permission of this Court.

(RAJNISH R. VYAS, J.)