IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 469 OF 2026

SHAIKH PARVEZ SHAIKH MAHEMOOD
VERSUS
THE STATE OF MAHARASHTRA

WITH
CRIMINAL APPLICATION NO. 1280 OF 2026
IN BA/469/2026

IBRAHIM NASIR QURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Mr. Ghanekar Nilesh S.
Addl. PP for Respondent/s-State : Mr. A. R. Kale.
Advocate for Applicant to Assist APP : Mr. Kulkarni Suvidh S.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 16.04.2026

FINAL ORDER :-

1. Heard both sides.

2. The applicant is seeking bail in respect of offence bearing Crime No.296 of 2025, registered with Kranti Chowk Police Station, District Chh. Sambhajinagar City, for the offences punishable under Sections 103(1), 109, 249, 352, 3(5) of Bharatiya Nyaya Sanhita and Sections 37(1), 37(3), 135 of Maharashtra Police Act.

3. It is reported to the police by informant Ibrahim that there were some disputes between deceased Imran, his cousins, and Salim Sharif Shaikh. The dispute was settled on 08.11.2025 by intervention of Kaleem Qureshi. Thereafter, it is alleged that the incident occurred at 10.19 p.m. on 10.11.2025 when informant, Harun Usman Qureshi and Imran were having food. Applicant is alleged to have rushed to the deceased from his mobile shoppe holding knife. The deceased was being abused and attacked on his neck by applicant inflicting blow. When informant and Harun tried to intervene. Harun was also assaulted on his right arm by knife. The applicant was also attempted to be assaulted but other persons rescued.

4. Applicant is arrested on 11.11.2025. Charge-sheet is filed on 05.02.2026. Out of four, three accused are enlarged on bail.

5. In this backdrop, learned counsel for the applicant Mr. Ghanekar submits that the entire prosecution story is unreliable and inconsistent with CCTV footage. The sequence of events narrated in First Information Report are suspicious. Imran is stated to be the aggressor who provoked applicant to inflict a blow. There is no *mens rea*. Out of five offences

reported against the applicant, he has been acquitted from three.

6. Per contra, learned APP would submit that First Information report, the CCTV footage and statements under Section 183 are consistent and disclose specific role of the applicant giving fatal blow by knife on the deceased. The minor discrepancy in the First Information Report and CCTV footage is negligible and can be gone into during the course of trial. There are criminal antecedents against the applicant. The learned counsel assisting APP would also submit that the injuries on the deceased and witness Harun would support the prosecution theory. The witnesses and the informant apprehend danger if the applicant is released on bail.

7. First Information Report discloses that on 10.11.2025 applicant inflicted blow by knife on the neck of Imran. Thereafter, he inflicted blow on right arm of Harun and then attempted to assault the informant but other persons rescued them. The event is captured in CCTV camera and transcript is part of the charge-sheet.

8. It reveals from the transcript that at about 10.19.37 applicant is seen talking vociferously from his mobile shoppee and seen to have taken out a knife from his counter. Thereafter,

at 10.19.44 the deceased Imran is seen rushing to the counter towards applicant and he was tried to be prevented by informant. Harun Qureshi is seen to be pacifying the applicant who is assaulted on his arm by knife. Thereafter, applicant is seen rushing towards deceased Imran and assaulting him on his neck by knife. The sequence of the assault as narrated in the First Information Report and the statements under Section 183 are inconsistent with the CCTV footage. A reasonable doubt is raised regarding prosecution theory.

9. The statements under Section 183 are recorded on 24.11.2025. Those are in tune with the First Information Report. I find that there is substance in the submission of learned counsel Mr. Ghanekar that deceased was the aggressor and he had rushed to the counter of the applicant. Harun is assaulted first and thereafter deceased was assaulted. The possibility of grave and sudden provocation cannot be ruled out.

10. It reveals from the papers of investigation that deceased Imran had some issue with Salim Sharif Shaikh and there was settlement. There is no reason for the applicant to have any *mens rea* to eliminate the deceased. The solitary blow has been given by him on deceased. It is doubtful as to whether case

would be within purview of homicidal death amounting to murder.

11. The applicant is behind bar since 11.11.2025. Out of five offences registered against him, he has been acquitted from three offences. The stringent conditions can be imposed while granting him bail. I, therefore, pass the following order :

O R D E R

(i) Bail Application is allowed.

(ii) Applicant **SHAIKH PARVEZ SHAIKH MAHEMOOD** shall be released on bail in Crime No.296 of 2025, registered with Kranti Chowk Police Station, District Chh. Sambhajinagar City, for the offences punishable under Sections 103(1), 109, 249, 352, 3(5) of Bharatiya Nyaya Sanhita and Sections 37(1), 37(3), 135 of Maharashtra Police Act on furnishing P. R. bond of Rs.50,000/- (Rupees fifty thousands only) with one solvent surety of like amount on the following conditions :

(a) The applicant shall not tamper with the prosecution evidence and contact the prosecution witnesses.

(b) The applicant shall stay away from Taluka Chh. Sambhajinagar till conclusion of the trial, save and except attending the dates of trial.

(c) The applicant shall inform his whereabouts and contact numbers to the Investigating Officer.

(d) The applicant shall surrender his Aadhar Card and PAN Card to the Investigating Officer, if any.

(e) The applicant shall co-operate for expeditious disposal of the trial and attend the dates punctually.

(iii) Bail application is disposed of accordingly.

(iv) Criminal application to assist APP is allowed and disposed of.

(SHAILESH P. BRAHME, J.)

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