



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

BAIL APPLICATION NO. 493 OF 2026

Azhar Shafi S/o Shafik Sayyad,
Age : 40 Years, Occu. : Driver,
R/o Padegaon, Tq. & Dist.
Chhatrapati Sambhajnagar. .. Applicant

Versus

The State of Maharashtra and another .. Respondents

Shri G. R. Syed, Advocate for the Applicant.
Shri G. O. Wattamwar, A.P.P. for the Respondent Nos. 1 and 2.

CORAM : SHAILESH P. BRAHME, J.
DATE : 06TH APRIL, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 50/2026 registered with Waluj Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable U/Sec. 109 and 212 of the Bhartiya Nyaya Sanhita, 2023 and Sec. 3, (25) and 5(27) of the Arms Act and Sec. 135 of the Maharashtra Police Act.

2. Applicant is facing allegations that victim Mahesh Dattatraya Pawar was his friend. He was being admitted in the hospital by the applicant himself and others after sustaining fire arm injury on right thigh. It was being disclosed that a bullet was accidentally fired from the pistol injuring the victim. During

the course of the investigation it revealed from the statements of the eye witnesses that there was quarrel between the applicant and the victim and victim was fired at by the applicant from the pistol. The weapon is recovered from the applicant.

3. Learned counsel for the applicant submits that there was no intention to commit any serious offence like murder. Applicant and the victim are friend and theory of accidental fire is possible because applicant did not flee away, but carried the injured to the hospital along with other persons.

4. Per contra, learned Assistant Public Prosecutor points out the account of the eye witnesses from the statements of Juber Osman Shaikh, Junaid Shakil, Juber Jahur Shaikh, which is consistent with the prosecution theory. It is submitted that due to the pressure initially victim did not attribute anything to the applicant. But his supplementary statement was recorded. Medico legal certificate and the weapon query report corroborate the prosecution theory. It is submitted that two offences pitted against the applicant are suppressed.

5. The investigation is underway. I had an opportunity to go through the papers of investigation. With the assistance of the learned A. P. P., I have also gone through the statements of the witnesses, MLC certificate, weapon query report, the seizure panchanama of the weapon and supplementary statement.

6. It reveals from the papers that victim Mahesh Pawar received fire arm injury on his right thigh. After conducting surgery a bullet was found in the body. It is reported to be a grievous injury. Applicant and injured Mahesh were the friends and they had dinner in Hotel Sapna preceding the incident. Thereafter there were some disputes and exchange of words took place. It is alleged that applicant fired at Mahesh. Consistently it has come on record that injured Mahesh is taken to the hospital by the applicant himself and the witnesses.

7. From the material collected by the investigating agency, no *mens-rea* can be inferred. Applicant could have fled away from the spot after firing at Mahesh. The witnesses did not attempt to apprehend the applicant. The incident occurred on 06.02.2026. None of the witnesses came forward to disclose to the police that due to the disputes applicant fired at injured Mahesh.

8. The injury certificate discloses that fire arm injury on the right thigh. There is absence of *mens rea* to committee any serious offence. Though two crimes are pitted against the applicant, I do not find that further detention of the applicant is required. Investigation appears to have been almost over. I therefore, pass following order.

O R D E R

A. The bail application is allowed.

B. Applicant – Azhar Shafi S/o Shafik Sayyad shall be released on bail in respect of Cr. No. 50/2026 registered with Waluj Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable U/Sec. 109 and 212 of the Bhartiya Nyaya Sanhita, 2023 and Sec. 3, (25) and 5(27) of the Arms Act and Sec. 135 of the Maharashtra Police Act on condition of furnishing P. R. bond of Rs. 50,000/- (Rs. Fifty thousands only) with one solvent surety of like amount.

C. The applicant shall report the police station concern on every Saturday between 10.00 AM to 2.00 PM till conclusion of investigation.

D. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

E. Applicant shall surrender his Aadhar and Pan cards to the investigating officer.

F. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/April 26