IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 505 OF 2026

Samina Mukhid Mirza alias
Samina Syed Khaleed,
Age : 37 years, Occu : Household,
R/o : Eidgah Road, Hadgaon,
Tq. Hadgaon, Dist. Nanded … Applicant

VERSUS

The State of Maharashtra,
Through Police Officer,
Hadgaon Police Station,
Tq. Hadgaon, Dist. Naned … Respondent

WITH
BAIL APPLICATION NO. 510 OF 2026

Shaikh Asif S/o. Shaikh Kalim
Age : 26 years, Occu :- Labour
R/o. Tipu Sultan Road,
Idgah Road, Hadgaon,
Tq. Hadgaon, Dist. Nanded … Applicant

VERSUS

The State of Maharashtra,
Through Police Station, Hadgaon … Respondent

…

Advocate for Applicant : Mr. Avinash D. Hande (BA/505/2026)
Advocate for applicant : Mr. H.I. Pathan (BA/510/2026)
A.P.P. for Respondent/State : Mr. C.V. Bhadane in both BAs

CORAM : SHAILESH P. BRAHME, J.

DATE : 24.04.2026

PER COURT :

Heard both sides.

2. The applicants are seeking regular bail in connection with Crime No.358 of 2025, registered with Hadgaon Police Station, Dist. Nanded for the offences

punishable under Section 103(1), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. It is reported to Police by brother of the deceased Mukhid Moin Mirza that his wife and and her brothers killed his brother on 21.10.2025 in a village. He received the information from Isa Qureshi that his brother was being stabbed by someone. On reaching the spot, he found his brother in injured condition. With the help of witness Bisil, the injured was shifted to the hospital. The witness – Bisil narrated the assault to the informant. In pursuance of the registration of the offenes, applicant Samina was arrested on 22.10.2025 and applicant Shaikh Asif was arrested on 23.10.2025. Chargesheet is filed on 17.01.2026.

4. Learned counsels for the applicant submit that statements were recorded on 16.12.2025 much after the incident. They are got up witnesses and their account is unreliable. Applicants are falsely implicated in the offence due to the matrimonial disputes between deceased and his wife. The injuries noted in the post-mortem report do not correspond to the prosecution theory. There is no clinching material to connect the applicants to the crime.

5. Learned APP submits that Asad Moin Baig and Bisil Salim are the eye witnesses who were present and stated the incriminating role of the applicants. The post-mortem report shows that there are two stab injuries and other injuries of abrasion. The other witnesses corroborate the prosecution theory. There was motive for the applicants to commit murder.

6. Informant is not an eye witness. Asad Moin Baig and Bisil Salim can be said to be eye witnesses. They specifically state the assault by knife on behest of co-accused – Sohail, who is not before the Curt. Witnesses refer to the presence of applicant – Samina and applicant – Shaik Asif along with co-accused Sohail. The witnesses do not specify the role of applicant Shaikh Asif. Post-mortem report shows two stab injuries of abrasions in column no. 17. The cause of death is reported to be stab injuries on chest and abdomen. Both the stab injuries are attributable to Sohail, who is not before the Court.

7. No clinching material is collected during the course of investigation showing *mens rea*. Informant has stated that there used to be quarrels between deceased and Samina. The nature of the quarrels and the gravity, has not been

surfaced. The deceased is stated to have been addicted to liquor. The purport of the statements of the eye witnesses recorded after considerable duration can be dealt with during course of trial. The involvement of the applicants at this stage, appears to be suspicious. *Prima facie*, case is made out to release them on bail.

8. Hence, the following order :-

ORDER

I) The Bail Applications are allowed.

II) The applicants shall be released on bail in connection with Crime No. 358 of 2025, registered with Hadgaon Police Station, Dist. Nanded for the offences punishable under Section 103(1), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

(a) The applicants shall furnish P.R. bonds of Rs.30,000/- (Rs. Thirty Thousand only) each with one solvent surety each of like amount.

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

(c) The applicants shall furnish their mobile/cell number and addresses to the investigating officer.

(d) The applicants shall surrender their Adhaar / PAN cards, if any, to the Investigating Officer.

(e) The applicants shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-