



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

BAIL APPLICATION NO. 694 OF 2026

Shaikh Kalim Shaikh Rahim,
Age : 33 years, Occu : Agril.,
R/o : Pimpri Rohila, Tq. Jintur,
& Dist. Parbhani

.. Applicant

Versus

The State of Maharashtra
through the Officer Incharge
Police Station, Bori, Taluka : Jintur
District – Parbhani

.. Respondent

...
Shri Rajendra S. Deshmukh, Senior Advocate i/by Shri
Ramankumar G. Dodiya, Advocate for the Applicant.
Shri S. B. Narwade, A.P.P. for the Respondent – State.
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**CORAM : SHAILESH P. BRAHME, J.
DATE : 07TH MAY, 2026.**

ORDER :

Heard both sides.

2. The applicant is seeking enlargement on bail in Crime No. 262 of 2025 registered at Bori Police Station, Dist. Parbhani for the offences punishable under section 103(1), 115(2), 118(1), 118(2), 125(b), 189(2), 190, 191(2), 296, 109, 333 of BNS.

3. He is arrested on 07.11.2025. Chargesheet is filed on 13.01.2026.

4. Applicant is accused no. 10 out of 16 accused persons. It is reported that a communal riot took place at Rohila Pimpri, Taluka – Jintur on 21.10.2025, on account of firecrackers. One of the members of muslim community is alleged to have abused informant and there was exchange of words. He is alleged to have abused and assaulted the informant, his mother. The relatives and the supporters of the informant approached the assailants and the stones were pelted upon them. Maruti received injuries and succumbed to death after hospitalization for 15 days.

5. Learned Senior counsel for the applicant submits that applicant is entitled to be released on bail on the ground of parity. The allegations are omnibus in nature and no specific role is attributed to the applicant. The injured witnesses also did not attribute any specific incriminating role. A cross complaint was filed by Shaikh Mohsin , accused no. 2. It was free fight and, therefore, the post-mortem report though shows cause of death as head injury, Maruti was hospitalized for 15 days and possibility of death due to septicemia, cannot be ruled out.

6. Learned APP submits that applicant has played a vital role in inflicting injuries on head of deceased by stick. *Post-mortem* report would support the prosecution story and attribute fatal blow to the applicant. Reliance on the dying declaration of the deceased recorded on 26.10.2025 is emphasized to show involvement of the applicant. There are

9 eye witnesses. The accused had formed unlawful assembly. Hence, by implication of section 149, the applicant is liable for major punishment. The ground of parity is not attracted considering the role attributed to applicant.

7. I have gone through the orders passed on 30.03.2026 in BA/562/2026, enlarging Shaikh Arbaz Shaikh Chand Pasha and Shaikh Ashfak on bail in the selfsame offence as well as the order dated 04.05.2026, enlarging further three co-accused on bail. Those co-accused were attributed role of pelting stone and assault by belt. Learned APP is right in submitting that those orders would not enure to the benefit of the applicant.

8. In the case at hand, FIR does not spell out any overt act except the omnibus allegations of pelting of stone. The injured witness – Maruti was hospitalized and treatment was given. His dying declaration was recorded on 26.10.2025. He died on 26.10.2025. In the dying declaration, a specific role of assault by stick on head and nose is attributed to applicant. It's a matter of record that he succumbed to the injuries after 15 days. The cause of death is reported to be "septicemia in a case on treatment for head injury with blunt trauma to chest and abdomen, however viscera and other than viscera articles preserved for chemical analysis."

9. The post-mortem report shows number of injuries in column no. 17. In column no. 19, the injuries on left frontal

and temporal region, underscalp contusion and fractures are noticed. Had the death been occurred within close proximity of the incident, it could have been inferred that death was due to the head injuries but septicemia was developed. The deceased was under treatment for 15 days. There is room to say that the death may not be immediate outcome of the assault. The final conclusion can be arrived at after full fledged trial. It is possible to give benefit of doubt to the applicant that assault by him may not be the cause of death.

10. The dying declaration was recorded on 26.10.2025. Thereafter, no endeavour was made to record any statement or supplementary statement of the witnesses to disclose independently the role played by the applicant. It's a case of number of witnesses out of them 9 are the eye witnesses. None of them is coming forward to attribute specific role of the applicant.

11. It was a communal riot. Accused no. 12 Shaikh Mohsin also lodged FIR bearing Crime No. 263 of 2025 against Narayan Murkule and others, including deceased Maruti. The cross complaint would indicate aggravated form of free fight. In that view of the matter, the involvement of the applicant as projected by the prosecution, is doubtful. He is behind bar for sufficient time.

12. I, therefore, pass the following order :-

O R D E R

A. The Bail Application is allowed.

B. Applicant – Shaikh Kalim Shaikh Rahim shall be released on bail in respect of Cr. No. 262/2025 registered with Bori Police Station, Tq. Jintur, Dist. Parbhani for the offences punishable U/Sec. 103(1), 115(2), 118(1), 118(2), 125(b), 189(2), 190, 191(2), 296, 109, 333 of Bhartiya Nyaya Sanhita, 2023 on condition of furnishing P. R. bond and S. B. of Rs. 75,000/- (Rs. Seventy Five thousands only) with one solvent surety of like amount.

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

D. The applicant shall furnish his mobile/cell number and address to the investigating officer

E. The applicant shall surrender his Adhsar and PAN Cards.

F. Bail application is disposed of.

[SHAILESH P. BRAHME J.]

arp/-