



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

BAIL APPLICATION NO. 725 OF 2026

Rehan S/o Majid Patel,
Age : 22 years, Occu : Student,
R/o : Utti (Khu), Post Sawargaon,
Tq. & Dist. Latur ... Applicant

VERSUS

The State of Maharashtra,
Through P.S. MIDC Police Station,
Latur ... Respondent

AND

BAIL APPLICATION NO. 774 OF 2026

Rehan S/o Allauddin Shaikh,
Age : 20 years, Occu : Student,
R/o Panchvati Nagar, Latur,
Tq. & Dist. Latur ... Applicant

VERSUS

The State of Maharashtra,
Through Police Inspector,
MIDC Police Station,
Latur, Tq. & Dist. Latur ... Respondent

...
Advocate for Applicant : Mr. Shaikh Wajeed Ahmed (BA/725/2026)
Advocate for Applicant : Mr. Yash B. Mote h/f. Mr. P.P. More (BA/774/2026)
A.P.P. for Respondent/State : Mr. S.V. Hange in both matters
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 04.05.2026

PER COURT :

Heard both sides.

2. The applicants are seeking enlargement on bail in connection with
Crime No.751 of 2025, registered with MIDC Latur Police Station, Dist. Latur for

the offences punishable under Section 109, 103(1), 118(2), 115(2), 189(2), 191(3), 191(2), 190, 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. Applicant – Rehan Majid Patel is arrested on 12.10.2025. Applicant – Rehan Allauddin Shaikh is arrested on 16.10.2025. Charge-sheet is filed on 30.12.2025.

4. It is reported to the Police by one of the injured witness Aditya Gaikwad that he was student of B.C.A. College, Latur. There was rivalry between deceased Suraj Shinde and Arif Shaikh on one hand and Rehan Shaikh on the other. The quarrel was picked up in a freshers' party on 07.10.2025 which resulted into scuffle. It is alleged that at 3.30 pm, when Suraj was exiting the college, he was contacted by the applicants and co-accused. There was exchange of abuses and accused started assaulting him. Informant is alleged to have been assaulted by stick by an unidentified person and another unidentified person is alleged to have assaulted Suraj by stick on his head. Other accused also assaulted by kicks and blows. Thereafter, other persons intervened and the injured were shifted to the hospital.

5. Advocate Mr. Shaikh Wajeed submits that he is seeking bail on the ground of parity. My attention is adverted to orders of bail passed in matter of co-accused Imran Majid Patel, Mukram Jamal Shaikh and Shahabaj S/o Gafar Shaikh. There was no motive or *mens rea* to eliminate Suraj. The incident occurred in a spur of moment and a single blow by stick was inflicted. It was not premeditated crime. The aggressor was the prosecution witness. Applicant is falsely involved in the offence being brother of co-accused Imran Patel. Notice dated 12.10.2025 would belie test identification parade.

6. Learned counsel for the applicant - Rehan Shaikh also relied on the ground of parity. No specific overt act is attributed to him. He cannot be said to be the main assailant who inflicted the blows by sticks which are fatal.

7. Both the applications are contested by the learned APP. It is submitted that the post-mortem report corroborates the prosecution theory and the death was due to injuries mentioned in column no. 17. Those are attributable to assault by stick at the instance of applicant – Rehan Patel. He had no reason to be present at the function of the college. He had come prepared and armed with weapon. He has been identified in test identification parade. There are eye witnesses to disclose involvement of both the applicants. It is submitted that co-accused Mukram is attributed injury on informant.

8. At the outset, it needs to be made clear that the allegations against applicant – Rehan Patel and Rehan Shaikh would stand on different footing. Applicant – Rehan Shaikh was concerned with the college and was bound to be present. He appears to be the supporter of co-accused Irfan @ Imra. He was not armed with any weapon. The assault by kicks and blows is attributed to him as well as Imran. This Court enlarged Imran Patel on bail vide order dated 01.04.2026. Applicant – Rehan Shaikh is entitled to be released on bail on the ground of parity.

9. Applicant – Rehan Patel was not a student of the college concerned. He had no occasion to come to the college for the freshers' party held on 07.10.2025. He was called by co-accused Irfan and Rehan Shaikh.

10. Presence of the applicant - Rehan Patel armed with stick is disclosed in the statement of eye witness Nagesh, Ajinkya and Hritvik, besides

informant Aditya. He was armed with the sticks. Co-accused Mukram was also armed with the sticks. These two persons were outsiders and they had come prepared on receiving call of Imran Patel. One of them inflicted blow on the hand of Aditya. It is recorded by co-ordinate Bench while granting bail to Mukram that injury on Aditya was inflicted by Mukram. I have gone through the observations of the co-ordinate Bench recorded in paragraph no. 6 of the common order dated 12.03.2026 in BA / 154 / 2026 and BA / 220 / 2026. In such a situation, only plausible conclusion would be that the fatal blow given on the head of Suraj Shinde was by applicant Rehan Patel.

11. It has been stated consistently by the eye witnesses that after receiving fatal blow, Suraj collapsed. Column no. 17 of the post-mortem report indicates 11 injuries. Out of them, first two injuries are on head. The cause of death is reported to be complications following head injury. There is every reason to infer that applicant – Rehan Patel is the author of the fatal injuries on vital part of body.

12. It cannot be said that the assault was due to grave and sudden provocation or at the spur of the moment. Applicant – Rehan Patel had come with preparation at the instance of a call and armed with stick. It is a matter of trial to see as to whether single or multiple blows were given. The identification parade supports the prosecution case. Being brother of co-accused Imran Patel, applicant had arrived at the spot. No case is made out for granting him bail.

13. My attention is adverted to orders passed by co-ordinate Bench, to buttress that the incident had occurred in a spur of moment and was not a premeditated. The orders cited are distinguishable on facts. I have assigned

reasons to infer that attack by the applicant was not the outcome of spur of moment or because of sudden provocation. It is a premeditated assault. I am not inclined to grant relief to applicant - Rehan Patel.

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

I] Bail Application No. 725 of 2026 shall stand rejected.

II] The applicant in Bail Application No. 774 of 2026, shall be released on bail in connection with Crime No. 751 of 2025, registered with MIDC Latur Police Station, Dist. Latur for the offences punishable under Section 109, 103(1), 118(2), 115(2), 189(2), 191(3), 191(2), 190, 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

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

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

(d) The applicant shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-