

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL BAIL APPLICATION NO.1398 OF 2025

Sheikh Lal Sheikh Miya

..vs..

State of Maharashtra

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri Dhruv Sirpurkar, Advocate h/f Shri S.V. Sirpurkar,
 Advocate for the applicant.
 Shri A.A. Madiwale, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 14.01.2026.

Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor appearing for the State.

2. By way of this application, the applicant is seeking regular bail in connection with the Crime No.221 of 2025 registered with the Kingaon Raja Police Station, District Buldhana for the offence punishable under Sections 109, 191(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita (BNS), 2023. The applicant was arrested on 08.09.2025.

3. The informant alleges that on 04.09.2025 at around 8.30 am, there was a quarrel which resulted into a fight between him and his family members with the applicant and his family members on the dispute relating to right of way. Allegedly the informant and his family members were assaulted by the applicant and his family members.

4. One Sheikh Rafiq Sheikh Gani has lodged the

FIR on 08.09.2025 whereas the accused persons have also filed the FIR, which is first in time. It appears from the FIR in question that the present applicant has inflicted blow on the head of the informant by a wooden stick. It also appears that Sheikh Irfan Sheikh Karamat has assaulted with an iron rake (लोखंडी दाताळे) (which is used for agricultural purpose) on the head of the informant i.e. Sheikh Rafiq.

5. Learned Counsel for the applicant invited my attention to the injury certificate, which shows that there was only one injury on the head of the injured and the same is grievous in nature. There is also another injury on the shoulder i.e. fracture, which is also grievous. He further submits that the second injury is not appearing on the head of the injured, and therefore, it could be said that the present applicant is falsely implicated in the present case by attributing the role of inflicting blows on the head of the informant. He submits that the applicant and his family members have also registered the FIR, which is first in point of time, wherein it was alleged that the blow was given from the side of the informant, which was missed by Sheikh Irfan Sheikh Karamat, which resulted into an injury to the informant. He further submits that now investigation is complete and charge-sheet has been filed. No recovery was made at the behest of the present applicant, and therefore, there is no incriminating material against the present applicant.

6. On the other hand, the learned APP vehemently opposes the application on the ground that the applicant

has played active role in the crime. He has inflicted blow on the head of the informant. He further invited my attention to various statements, wherein the presence of applicant as well as his overt act has been mentioned. He further submits that the injury certificate would demonstrates that the present applicant has given blow on the head, and therefore, the offences are serious in nature and the gravity cannot be ignored and therefore, the present application deserves to be rejected.

7. Upon hearing the learned Counsel for the applicant and the learned APP, it appears that admittedly, the applicant is in jail since 08.09.2025. It also appears from the FIR that the present applicant has given the blow on the head with a wooden stick however there is no corresponding injury on the head except one injury, which can be said to be attributable to Sheikh Irfan Sheikh Karamat, who has inflicted blow with the iron rake. It further appears from the record that probable defence was raised by the applicant by filing another FIR, which is first in point of time that the blow was given by the side of the informant on the person of Sheikh Irfan Sheikh Karamat, however that blow was missed and it was inflicted on the head of the informant. However this fact cannot be considered at this stage.

8. Considering the fact that the charge-sheet is filed and nothing was recovered at the behest of the present applicant, I am inclined to grant bail, on the following terms and conditions :

- (a) The application is allowed and disposed of.
- (b) The applicant/accused Sheikh Lal Sheikh Miya be released on regular bail in connection with Crime No.221 of 2025 registered with the Kingaon Raja Police Station, District Buldhana for the offence punishable under Sections 109, 191(2), 191(3), 190, 351(2), 352 of the Bharatiya Nyaya Sanhita (BNS), 2023 on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.
- (c) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (d) The accused shall not enter within the territorial jurisdiction of Dusarbid, Taluka Sindkhed Raja, District Buldana.
- (e) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

(M.M. NERLIKAR, J.)

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