

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

CRIMINAL APPLICATION (BA) NO. 333/2026
 (Sheikh Kurban Sheikh Husen Vs. The 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

 Mr. P.N. Navlani, Advocate for applicant.
 Mr. A. A. Madiwale, APP for non-applicant/State.
 Mr. M.N. Ali, Advocate assisting to prosecute.

CORAM: M. M. NERLIKAR, J.

DATED : 27/03/2026.

The informant has tendered application seeking permission to engage private counsel for supporting the State across the bar in the Court which is marked as "X" for identification and same is allowed.

2. Heard.

3. By this application, the applicant is seeking bail in connection with Crime No.325/2025 registered with the Police Station Khandala, Tq. Pusad, Dist. Yavatmal for the offence punishable under Sections 103, 189(2), 191(2), 191(3), 190, 351(2), 351(3), 61(2), 238 of the Bharatiya Nyaya Sanhita.

4. This Court by order dated 11/03/2026 granted bail to one of the accused Sheikh Shafi Sheikh Husen in Criminal Application (BA) No. 250/2026. The learned

counsel for the applicant submits that the applicant is also standing on the same footing. He submits that the reasons assigned by this Court in the said order, would also be applicable to the present applicant and therefore he claims parity.

5. On the other hand, the learned APP as well as the learned counsel Mr. Ali who is assisting the prosecution vehemently oppose the application and submit that the applicant is the main culprit who a day before murder has hatched a conspiracy in the meeting called by one of the witness namely Sheikh Aslam. He submits that the applicant is the main conspirator as conspiracy was hatched at his behest and so also his presence was marked at the time of murder. They further submit that after the incident, the family members of the applicant has burnt the house of the informant – Begambi Sheikh Irfan. They submit that though applications were submitted to the Police Agency for registering the offence, however they have not taken any cognizance and it is only after approaching the Magistrate, that Police have registered the First Information Report bearing No. 89/2026 on 28/02/2026, whereas the said incident occurred on

03/01/2026, therefore they submit that considering the complexity of the matter, the applicant may not be released on bail, as if he is released on bail, he will create havoc in the village.

6. I have considered the rival submissions. I have gone through the observations of this court in the case of Sheikh Shafi Sheikh Husen in Criminal Application (BA) No. 250/2026 vide dated 11/03/2026. This Court has given detailed reasons for releasing the applicant therein on bail. It appears from the record that the present applicant is also standing on the same footing, therefore in my opinion the same observations and reasons would be applicable in the present application also.

7. Considering the above facts and circumstances, the applicant deserves to be released on bail on the ground of parity by imposing stringent conditions, hence the following order:-

ORDER

(i) The applicant/accused Sheikh Kurban Sheikh Husen be released on bail in connection with Crime No.325/2025 registered with the Police Station Khandala, Tq. Pusad, Dist. Yavatmal for the offence punishable under Sections

103, 189(2), 191(2), 191(3), 190, 351(2), 351(3), 61(2), 238 of the Bharatiya Nyaya Sanhita on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(iii) 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.

(iv) The applicant/accused shall not enter into the village Khandala till material witnesses are examined.

(v) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(vi) The applicant/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.)