

**SESSIONS CASE NO.253/2024**

( State of Maharashtra Vs. Dhanya @ Danish Faruk Shaikh)

**ORDER BELOW EXH.10**

1) By way of this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant/accused No.1-Dhanya @ Danish Faruk Shaikh seeks his enlargement on bail in respect of Crime No.541/2024 (Sessions Case No.253/2024) registered with Tophkhana Police Station, Ahmednagar, under Sections-307, 324, 336, 143, 147, 148, 149, 34 of the Indian Penal Code, under Section-3, 4/25 of the Arms Act and under Section-37(1)(3)/135 of the Maharashtra Police Act.

2) It is the prosecution's case that, on 25.04.2024 a quarrel took place between informant Sarvar Shaikh and accused No.1 Dhanya @ Danish Shaikh and accused No.2 Sahil on account of adjustment of traveler's seats in the travels. It is alleged that on 27.04.2024 at about 12.00 night the informant and his friend Sadik Shaikh had sat on a bench at Kothala Bus Stand. As the informant received phone call, he went to front side of the bus stand and noticed accused No.1 Danish armed with axe and accused No.2 Sahil armed with another axe. Accused No.1 Danish assaulted the informant on neck with axe. Accused No.2 Sahil also assaulted the informant with axe but the informant avoided it and the blow landed on the hand of the informant. While the informant was running away, accused No.3 Ufer assaulted the informant with chopper on his back, accused No.4 Ganesh Pote assaulted the informant with chopper on waist, while the informant was further running accused No.5 Talib hit a stone on leg. While the informant

was approaching in a lane, he turned back and saw that accused No.1 Dhanya fired towards him at that time, accused No.2 Sahil uttered not to avoid bullets. Apart from these accused persons, there were also three unknown persons. Sadik Shaikh uttered that police are coming, whereupon, all the accused persons ran away. While the informant was admitted in the hospital, his statement came to be recorded basing on which aforesaid crime came to be recorded.

3) It is submitted by the learned advocate for the applicant that the applicant has been falsely implicated in respect of the aforesaid crime; that CCTV footage does not show that the applicant assaulted the informant on his neck with axe; that incriminating articles have been seized during the course of interrogation and that as there is no evidence against the applicant, the applicant deserve grant of bail.

4) It is submitted by the learned APP appearing on behalf of the prosecution that injury certificate of the informant shows that due to axe blow inflicted by the present applicant, the informant has sustained grievous injury; that at the instance of the present applicant country made revolver used in the crime has been recovered; that past record of the applicant is not clean one and against him there is a crime registered at Tophkhana Police Station, Ahmednagar under Section-506 of the Indian Penal Code and that if the applicant is released on bail, certainly he will tamper with the prosecution evidence and may not be available for trial.

5) It is submitted by the learned advocate for the informant that the applicant hails from this city and if released on bail he will

certainly tamper with the prosecution evidence and may finish the informant; that there being ample evidence and possibility of tampering of evidence and fleeing away, grant of bail will not be justified in the eyes of law.

6) The injury certificate of the informant shows that he has sustained eight injuries. Injury No.1 is on neck which is alleged to have been caused by the present applicant. It is grievous in nature. At the instance of present applicant, recovery of pistol has been made. In the CCTV footage present applicant is seen in the company of other co-accused persons. Thus, there is sufficient evidence about the involvement of the present applicant in the commission of the crime. It prima facie appears that applicant wanted to commit murder of the informant and for that purpose along with co-accused persons armed with deadly weapons assaulted the informant. Past record of the applicant is not clear one. If the applicant is released on bail, certainly he will tamper with the prosecution evidence, deter the informant and may not be available for trial. Remaining accused persons are yet to be arrested. Thus, it cannot be said that the applicant has made out case for grant of bail, accordingly, following order is passed.

**ORDER**

1. The bail application Exh-10 is hereby rejected.

Date : 06.01.2025  
Place : Ahmednagar.

( **C.M.Bagal** )  
Additional Sessions Judge,  
Ahmednagar JO Code-MH00070