

**SESSIONS CASE NO.253/2024**

( State of Maharashtra Vs. Sahil Firoz Khan )

**ORDER BELOW EXH.24**

1) By way of this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant/accused No.2- Sahil Firoz Khan 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 tried to inflict axe blow on the head of the informant but as the informant raised his hands it landed on the hands. 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 accused No.2 Sahil/applicant that the applicant has been falsely implicated in respect of aforesaid crime sans his participation, motive and intent of any sort; that CCTV footage does not show that the applicant assaulted the informant on his head with axe; that no recovery of incriminating articles has been effected at the instance of present applicant; that the trial is not likely to commence and in such facts and situation the applicant is kept behind the bars a great deal of prejudice would be caused to him.

4) It is further submitted by him that the statements of witnesses are contradictory to each other; that the present applicant is Karta of his family; that the applicant having roots in the society his presence could be secured at the time of trial and the applicant may abide the conditions that may be imposed by the court.

5) It is submitted by the learned APP appearing on behalf of the prosecution that antecedents of the present applicant are not at all sound enough and against him there is a crime registered in respect of the offence punishable under Section-307 and other sections of the Indian Penal Code r/w Section-4/25 of the Arms Act at Bhingar Camp Police Station. Another crime in respect of the

offence punishable under Section-324 of the Indian Penal Code is also registered at Bhingar Camp Police Station and another crime pertaining to offence punishable under Section-377 of the Indian Penal Code is registered at Tophkhana Police Station; that there is prima facie case against the present applicant and the present applicant having played major role of attempting to commit murder of the informant, grant of bail having regard to his past record will not be warranted in the eyes of law; that the informant and the accused are habitant of the same area and if the applicant is released on bail, life of the informant may come in danger; that if the applicant is released on bail, he not only threaten the informant but also prosecution witnesses and may not be available for trial; that release of the applicant on bail will not be warranted in the eyes of law.

6) It is submitted by the learned advocate appearing on behalf of the informant that prior to the incident in question, co-accused Talib had extended threat on Instagram to the informant for which the informant has lodged report at police station; that co-accused Talib (who has been released on bail) has threatened to kill the eye witnesses and one of the eye witness has lodged report against him at the police station; that if the applicant is released on bail like co-accused Talib, he would threaten the informant and prosecution witnesses and may not be available for trial.

7) It prima facie appears that this is the first application filed by the present applicant since his arrest and submission of charge-sheet. The first information report and supplementary statement of the informant clearly demonstrate that the present

applicant attempted to kill the informant by inflicting blow of axe on the head but as the informant raised his hands it landed on the hands. This act of the present applicant clearly shows that his intention was to commit the murder of the informant. The injury certificate of the informant shows that in all he has suffered eight injuries, of them injury No.1 has been certified by the doctor to be grievous one. It is on neck and alleged to be inflicted by co-accused Dhanya @ Danish. The second injury which is on left forearm exterior aspect is admeasuring 5x1 cm and appears to have been caused by blow of the axe. The informant has produced photograph of the injury sustained on hand which shows that it is a lacerated wound caused by sharp edge weapon. The first information report, supplementary statement of the informant and statements of eye witnesses are sufficient to prima facie shows that present applicant with the intention to commit murder of the informant aimed vital part of the body i.e. head but could not succeed. Thus, provisions of Section-307 of the Indian Penal Code clearly get attracted against the present applicant. In the CCTV footage present applicant is seen in the company of other co-accused persons. The present applicant and co-accused persons formed unlawful assembly, used pistol in the commission of crime and brutally assaulted the informant.

8) It appears that co-accused Talib who has been enlarged on bail has threatened the informant and witnesses perhaps to desist from their stand of prosecuting the accused persons. The antecedents of the present applicant are not sound enough. It prima facie appears that if the applicant is released on bail, he would again commit similar type of offences. If the applicant is released on bail,

he will threaten the informant and prosecution witnesses and also may not be available for trial. Thus, finding no force in the submission of learned advocate for the applicant that he is entitled for grant of bail, following order is passed.

**ORDER**

1. The bail application Exh-24 is hereby rejected.

Date : 25.03.2025  
Place : Ahmednagar.

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