

MHAU160004792026



**Cri. Bail Application No.41/2026**

[1] Shaikh Mosin Mois  
[2] Pathan Arbaz Nawab

**Vs.**

**The State of Maharashtra**

**ORDER BELOW EXH.1**

Applicant Nos.[1] **Shaikh Mosin Mois** and [2] **Pathan Arbaz Nawab** have filed this application for grant of bail U/sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C.R.No.I-153/2026 U/Sec.109 and 115(2) read with Sec.3(5) of Bharatiya Nyaya Sanhita, 2023 and under Sec.3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act registered at MIDC Waluj Police Station, Tq. Gangapur, Dist. Chh. Sambhajinagar.

**[2] Prosecution case in short is as follows:-**

Informant – Sominath is belonging to Scheduled Caste, whereas the applicants are not belonging to Scheduled Caste or Scheduled Tribes.

**[3]** It is alleged that on 03.03.2026 at about 02:00 p.m. the informant had been to his field. At that ti,e he heard noise of

quarrel at Chhatrapati Shivaji Statue, Kamlapur, therefore, he went there. He saw that accused – Sohel Shaikh and one Sonu Gavali were quarreling with each other. Therefore, the informant pacified the quarrel and went back to his house. About 15 to 20 minutes thereafter accused – Sohel Shaikh along with applicant Mosin Moise and some other accused persons came there. They all beat the informant by fist and kick blows and assaulted by wooden log on his back, chest and stomach and caused him grievous injuries and thereby attempted to kill him. Thereafter, the informant was taken to the hospital.

[4] On the next day, the informant lodged FIR crime vide C.R.No.I-153/2026 came to be registered. The applicants were arrested on 05.03.2026. Now, they are in Judicial Custody. Therefore, they have filed this application for grant of bail.

[5] I have heard both the sides and perused the material placed on record. I have also heard Ld. Advocate appearing on behalf of the First Informant and also gone through the written say filed by him.

[6] It is alleged in the FIR that the applicants and other accused persons beat the informant by fist and kick blows and assaulted him by wooden log. The said allegations are vague and not sufficient to ascertain as to which particular accused/applicant assaulted the informant by wooden log. The Investigating officer has already seized the wooden log. Therefore, nothing remained

to be discovered or recovered from the applicants. It will take much time for commencement and conclusion of the trial. The applicants are permanent resident of Kamlapur, Tq. Gangapur. Having no criminal antecedents. In the circumstances, no purpose of the prosecution would be sufficed by keeping the applicants behind bars for definite period as pretrial punishment. Their presence can be secured by imposing certain terms and conditions.

[7] Having regard to the above mentioned facts and circumstances, I am of the opinion that the applicants are entitled for grant of bail. In the result, the application deserves to be allowed. I, therefore, pass the following order:-

### O R D E R

[1] Applicant Nos. [1] **Shaikh Moshin Mois** and [2] **Pathan Arbaz Nawab** the accused of C.R.No.I-153/2026 U/Sec.109 and 115(2) read with Sec.3(5) of Bharatiya Nyaya Sanhita, 2023 and under Sec.3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act registered at MIDC Waluj Police Station, Tq. Gangapur, Dist. Chh. Sambhajinagar, be released on their executing P.R.Bond of Rs.50,000/- (Rs. Fifty Thousand only) each with surety of like amount on the following conditions that:-

(a) the applicants shall remain present at **MIDC Waluj Police Station** on **every Saturday from 11.00 a.m. to 1.00 p.m.**, till next **60 days or filing of the charge-sheet, whichever is earlier.**

(b) the applicants shall not tamper with the prosecution evidence, in any manner and shall cooperate with the Investigating machinery as and when required.

(c) at the time of furnishing bail, the applicants shall produce on record proof of their permanent residence.

[2] Bail before Ld. Judicial Magistrate First Class, Gangapur if the charge-sheet is not committed to the Court of Sessions.

[3] Issue letter accordingly.

Date : 20.03.2026

**(S.B. Bahalkar)**  
Additional Sessions Judge,  
Gangapur,  
Dist.Chh. Sambhajinagar.