

**IN THE COURT OF ADDL.SESIONS JUDGE AT PAITHAN,
DISTRICT AURANGABAD**

MHAU170001942026



**Cri.Bail Application No. 46 of 2026
Ashpak Yunus Shaikh Vs. The State
of Maharashtra.
Crime No. 468 of 2024, Offence U/sec.
109,308(5),115,352,351(2) R/w 3(5) of
BNS and u/s. 4 r/w 25 of Arms Act.
Police Station Paithan, Dist.
Chhatrapati Sambhajanagar.**

ORDER BELOW EXHIBIT 01

1. This is an application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of bail by applicant namely Ashpak Yunus Shaikh.

2. The Investigating Officer has opposed the application by filing his reply vide Exh. 04. He has objected the application on the ground that the applicant and co-accused entered into the shop of informant for extortion having sword and iron bar in their hands and the applicant tried to give blow of sword and iron rod on the head of informant with intent to kill him and they extorted money from the shop of informant. The weapons used in crime i.e. iron bar and sword were seized under panchanama. It is his further contention that the applicant, informant and witnesses are from the same vicinity and therefore, there is every possibility of tampering with prosecution witnesses and also commission of similar crime. It is his further contention that following crimes are registered against applicant at Paithan police station :-

1] Crime No. 33/2020 u/s. 457,380 of IPC,

- 2] Crime No.37/2020 u/s. 457,380 of IPC,
- 3] Crime No. 203/2021 u/s.324,323,504 r/w 34 of IPC,
- 4] Crime No.283/2022 u/s.392 r/w 34 of IPC,
- 5] Crime No. 201/2023 u/s. 307,384,323,504,506 of IPC,
- 6] Crime No. 07/2024 u/s. 307,384,323,504,506 of IPC,
- 7] Crime No. 467/2025 u/s. 109,308(5),115,352,351(2) r/w 3(5) of BNS and u/s. 4,5 of Arms Act.
- 8] Chapter cases no.10/2022 and 01/2024 are also registered against him at Paithan police station.

3. Heard the learned counsel for the applicant and learned APP for the State. Perused the application, reply and charge-sheet. It is well settled that while considering the grant or refusal of bail, the gravity of offence and severity of punishment needs to be looked into. Out of the alleged offences, offence under Section 109 of BNS (corresponding to Section 307 of IPC) is triable by Sessions Court and is punishable with imprisonment for life, if hurt is caused. It is also well settled that in such cases intention of the assailants are important rather than injury.

4. On perusal of the contents of FIR, I find that there is allegations against applicant that he alongwith co-accused Arbaj Rashid Shaikh came to milk dairy of informant holding sword and iron rod. The applicant tried to take away money from the cash box kept in the dairy of informant and when the informant tried to resist him, the applicant threatened him to give Rs.1,000/- for drinking liquor, otherwise he will kill him. When the informant denied to give the money, the applicant with an intention to kill him tried to give blow on his head, but he saved himself. At that time, co-accused Arbaj tried to assault him on his head by means of rod and in an

attempt to save himself, the informant sustained injury to his left hand. Co-accused Arbaj also assaulted him near his right knee by said rod. The informant was rescued by one Imran Kureshi and Mujahid Katyare. While leaving the place, applicant again threatened the informant that if he wants to do the business, he should give him Rs.3,000/- per month otherwise he will be beaten. The injury certificate shows that informant sustained blunt trauma (swelling) on left forearm and on right knee.

5. The use of sword and iron rod in assaulting the informant *prima-facie* indicates that the applicant and co-accused intended to cause death of the informant with deadly weapons when he denied to give money demanded by applicant and co-accused.

6. Considering the gravity of offence and severity of punishment, criminal antecedents of applicant (referred above) and also the possibility of tampering with prosecution witnesses, I am not inclined to grant bail to the applicant, though investigation has been over. I, therefore, proceed to pass following order.

ORDER

Application is rejected.

Dated : 27.03.2026

(R.D.Gadwe)
Additional Sessions Judge,
Paithan