

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BEED**CNR No. MHBI0100-1035-2020****Special Case No.59/2020****The State of Maharashtra****Vs.****Shaikh Amar and Others.****ORDER BELOW EXH.43**

1] This is an application filed by the applicant/accused Shaikh Imran @ Kala Shaikh Rashid to release him on regular bail under section 439 of the Code of Criminal Procedure.

2] Informant lodged report that he is carrying business of scrap. Before 15 to 20 years one Gujar Khan Mirza Khan was his worker. He left the work and started collecting ransom and giving threats to the people. Five years back, he has threatened and demanded ransom towards the informant but due to fear he has not lodged report against him. Before two years he has assaulted his brother Momin Kausar and they lodged report at Shivajinagar Police Station. On the day of incident, at about 11.00 am, he was present in his scrap Godown. One Shaikh Jafar has brought scrap. All of sudden this applicant and other accused came there armed with sickle, knife and pipe. They draw an amount of Rs.1,75,000/- from his pocket. Then Amar attempted to give knife blow on his stomach. He turned aside he

sustained injury to his right thigh. Thereafter Shahrukh and other two persons started assaulting with the pipe, handle of sickle on his back, head and attempted to kill him. At that time, Amar threatened that if amount of ransom is not given to him he will not alive his family and all assailants went away. Since one month Gujar Khan was demanding ransom. Gujar Khan and his associates given threat not to lodge report, otherwise they will kill them. Then also he lodged the report.

3] Applicant submitted that he has no concern with the alleged offence. In the FIR and statement of witnesses there is no case the present accused was armed with deadly weapons. There is no specific incident is attracted to the accused regarding assault. Informant was not received any grievous injury on his vital part. This accused neither snatched any amount nor committed any offence. Unknown person took his money forcibly. Accused is falsely arraigned in this case. Another accused is released on bail by the Hon'ble Bombay High Court. This applicant is not having criminal antecedents. Accused is in jail since last more than six years. He is ready to furnish surety. He is ready to abide all the terms and conditions. Accused is undertake he will present in the court each and every date. Therefore, prayed to grant bail.

4] APP has filed say and submitted that there is active participation of accused in this case. He has committed serious offence. If accused is released on bail then there will be delay in trial. He will flee from justice. Accused is habitual offender. Offence is

MOCCA is also lodged against this accused. He will again commit such type of offence. He will tamper the prosecution evidence. Another case also pending against him. He is convicted in MOCCA Case 51/2020 for life imprisonment. Therefore, prayed to reject the application.

5] Heard the Ld. advocate for the applicant and Ld. APP for the State.

6] I have perused the record then it is gathered that this case is the part heard case. Evidence of complainant is recorded. In his evidence he specifically mentioned that Shaikh Imran and other accused came along with sickle, knife, iron pipe and assaulted him. He specifically testified that Shaikh Imran assaulted with the handle of sickle, pipe and tried to kill him. Considering his evidence the role of accused is also came before the Court in chief examination. In this case 7 witnesses are examined and now matter is at the conclusion of trial. Considering the allegations and evidence of complainant which is recorded before the Court. If the accused is released on bail then there is possibility he will tamper the evidence of another prosecution witnesses and possibility that he will not present in the Court. In such situation, accused is not entitled for bail. Therefore, application is liable to be rejected. Hence, following order.

ORDER

Application is hereby rejected.

Date : 03/01/2026.

(S.S.Ghorpade)
Additional Sessions Judge,
Beed

