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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.862 OF 2023

**SAYED SADEK S/O SAYED MAJID
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent/State : Mr. Y.G. Gujarati
...

CORAM : S.G. MEHARE, J.

DATED : JUNE 21, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.399 of 2022 registered with Vimantal Police Station, District Nanded for the offence punishable under Section 302, 323, 143, 146, 147, 148, 149 of Indian Penal Code, Section 4/25 of Indian Arms Act and Section 135 of Maharashtra Police Act.
3. Learned counsel for the applicant would submit that it was a marriage reception. The applicant was called there; hence, he went there. Thereafter, the quarrel started and he was just watching the quarrel. However under misconception, it has been falsely alleged against the applicant that he also took the deceased near Buddha Vihar. Though it has been alleged that the weapon like iron rod has

been used, but none of the eye witnesses stated that the applicant was holding the iron rod. There are no injury certificates of the persons allegedly assaulted in the incident. The deceased also has no injuries likely to be caused by the iron rod. There are no antecedents to the discredit of the applicant. Nothing is recovered from him. Hence, he may be granted bail.

4. Per contra, the learned APP has strongly opposed the application. He would submit that the specific role was attributed to the applicant that he being the member of the unlawful assembly, took the deceased in a lane near Buddha Vihar and all the accused assaulted the deceased. The applicant being the member of unlawful assembly is equally liable for the offence.

5. Perused the charge sheet. It is not in dispute that nothing has been recovered from the applicant. There are no injury certificates of the persons allegedly assaulted in the incident. The post mortem report reveals only two injuries i.e. stab and incise injury. The incident happened in a marriage reception. Many people were gathered there. Therefore, the submissions of the learned counsel of the applicant that he went to witness the incident is probable. His unblemished past is another circumstance in his favour. The investigation has been completed, so keeping him behind bar would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Sayed Sadek Sayed Majid, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.
- (iv) The applicant shall not contact the co-accused till conclusion of the trial.

(S.G. MEHARE, J.)