



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 2253 OF 2023

Sayyad Khalil Sayyad Usman
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 16th FEBRUARY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of Cr.P.C. in connection with crime No. 383 of 2023 registered with Khultabad police station, District Aurangabad for the offences punishable under Sections 302, 201 of I.P.C. His application with similar prayer bearing criminal bail application No. 2283 of 2023 came to be rejected by the learned Additional Sessions Judge, Aurangabad, vide order dated 1.12.2023.

2. It is averred in the report by the police officer that accused assaulted his wife in his house on 2.8.2023. She succumbed to the injuries after two days of the incident. The quarrel used to take place between the husband and wife and therefore, applicant eliminated his wife by assaulting on her head by an axe.

3. Learned counsel for the applicant submitted that after one and

half month, report was lodged by the police officer and delay is not explained. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. Now charge sheet is submitted. The custody of the applicant is not necessary. The trial will take long period. He therefore, prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant has committed murder of his wife in his house. He is booked in a serious crime. There are statements of witnesses, which show that the quarrel used to take place between the applicant and his wife. Therefore, he committed the murder of his wife by an axe. It is lastly prayed to reject the application.

5. Perused the charge sheet. The report is lodged by the police Naik attached with Khultabad police station. However, from the report, the motive is not spelled out. The applicant came to be arrested on 21.9.2023. None of her relatives i.e. parents or bother have lodged the report after the incident. Her children are also not knowing as to what happened. Considering all these factual aspects so also the fact that the applicant has no criminal antecedents and trial will take long period, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
 - II. The applicant in connection with crime No. 383 of 2023 registered with Khultabad police station, District Aurangabad for the offences punishable under Sections 302, 201 of I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following condition:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
6. It is made clear that the trial court shall not get influenced by the observations made in this order while deciding the trial.

(SANJAY A. DESHMUKH, J.)

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