



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

BAIL APPLICATION NO.1946 OF 2024

. Saleh Moid Yafai @ Al-Yafai
Age: 20 yrs., Occu.: Agriculture,
R/o. Devnagar, Tq.Ghansawangi,
Dist.Jalna. ..Applicant
(Org. Accused)

Versus

. The State of Maharashtra
Through Police Station Officer,
Ghansawangi Police Station,
Dist.Jalna.Respondent

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WITH

**CRIMINAL APPLICATION NO.10 OF 2025
IN BAIL APPLICATION NO.1946 OF 2024**

. Rajiya w/o Farhan Hilabi
Age: 40 yrs., Occu.: Household,
R/o. Naregaon Area, Taluka Aurangabad,
Dist.Aurangabad. ..Applicant

Versus

1. The State of Maharashtra
At the instance of Ghansawngi
Police Station, Tal.Ghansawangi,
Dist.Jalna.
2. Saleh Moid Yafai @ Al-Yafai
Age : 20 yrs., Occu.: Labour,
R/o. Devnagar, Tq.Ghansawangi,
Dist.Jalna.Respondents

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Advocate for Applicant in Appln/1946/2024 : Mr.Z.H.Farooqui
APP for Respondent-State : Mr.PK.Lakhotiya
Advocate for Applicant in Appln/10/2025 : Mr.A.K.Bhosale

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 JANUARY, 2025

PRONOUNCED ON : 07 JANUARY, 2025

ORDER :

1. Applicant hereby seeks regular bail by virtue of his arrest in Crime No.0454 of 2023 registered at Ghansawangi Police Station, District Jalna for offence under Sections 302, 201 read with 34 of the Indian Penal Code (IPC).

2. Criminal Application No.10 of 2025 is filed by mother of deceased seeking permission to assist APP.

Permission is granted. Criminal Application No.10 of 2025 is allowed.

3. Learned Counsel for the applicant pointed out that applicant is arrested in above crime on 25-11-2023. That there are allegations of commission of above offence. That there is no convincing or direct evidence. That nothing is to be recovered or discovered from him. That there is no motive or intention to commit the offence. Now entire investigation is over and no purpose would be served by continuing the detention of the applicant as according to learned

Counsel, applicant is barely in his early twenties.

4. Opposing the above application, learned APP as well as learned Counsel for applicant in Criminal Application No.10 of 2025 pointed out that investigation revealed that in the backdrop of demand of Rs.15,000/-, there is assault on deceased by sharp weapon like knife. That there is evidence in the form of CCTV footage as well as witnesses seeing applicant and deceased in each others company. Applicant was last person in the company of deceased since deceased was seen alive. Deceased met homicidal death i.e. due to injury to vital organ. Furthermore it is pointed out that applicant was diagnosed to be a schizophrenic and psychiatric report is received and under such circumstances, according to Doctor, it is unsafe to set applicant on bail, who is danger to both his own family as well as society. For all above reasons, relief as prayed is opposed.

5. After considering the above submissions and on going through the papers, it seems that Ghansawangi Police registered crime bearing no.0454 of 2023 on information given by Police Officer i.e. on account of murder of one Saleh on account of some money dispute. Now though investigation is over and chargesheet is filed, it

has emerged that present applicant is a patient of “Paranoid Schizophrenia”. Psychiatric report dated 05-09-2024 issued by Psychiatric, District Hospital, Jalna confirms such mental ailment. It is also opined and communicated to the Jail Authority that applicant is on medication, he needs regular treatment as well as follow up and it is specifically emphasized that he is a risk to himself as well as to others and needs to be treated at Regional Mental Hospital, Pune.

6. Therefore, in the light of above medical and psychiatric report, this Court does not consider it a fit case for grant of bail as prayed for. Hence, the following order :

ORDER

(i) Bail Application No.1946 of 2024 is rejected.

(ii) Criminal Application No.10 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE