



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 34 OF 2025

1. Sayed Aslam s/o Sayed Alam,
Age : 23 years, Occupation Labour,
R/o Hilal Nagar, Nanded,
Taluka and District Nanded.
2. Shaikh Amer s/o Shaikh Mohammad,
Age : 22 years, Occupation Labour,
R/o Umar Colony, Nanded,
Taluka and District Nanded. ... Applicants

Versus

The State of Maharashtra
Through Police Station Officer,
Nanded Rural Police Station,
Taluka and District Nanded. ... Respondent

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Mr. S. S. Gangakhedkar, Advocate for the Applicants.
Mr. N. D. Batule, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 20.03.2025

Pronounced on : 24.03.2025

ORDER :

1. Applicants seeks their enlargement on regular bail on account of their arrest in crime no. 0598 of 2024 registered at Nanded Rural Police Station, District Nanded for offence punishable under Sections 103(1), 115(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS) and Sections 4/25 and 4/27 of the Arms Act.

2. Learned counsel submitted that present applicants are shown as accused nos. 2 and 3 in above crime and are arrested in July 2024 itself. He submitted that incident is in the background of consumption of liquor. That, allegations against present applicants are that they merely caught hold of deceased while main accused stabbed. That, there is single blow. Learned counsel submitted that informant is brother and he claims to be the eye witness, but going by the manner of reporting, it is doubtful whether he has seen the incident and rather, he could have reached at later point of time and as such, had no chance to see who did what. Learned counsel submitted that, now investigation is over and charge sheet is already filed in October 2024 itself. However, case is not yet committed and even charge is not framed, and therefore learned counsel seeks relief of bail.

3. Learned APP opposed on the ground that there is direct evidence. That, there are not only statements of two eye witnesses, but their statements are also recorded under Section 183 of BNSS. Learned APP took this Court through the statements of Mohammad Ajim s/o. Mohammad Hakim and Sayyed Jibrail Sayyed Saleem. He pointed out that they both have consistently stated about both present applicants catching hold of deceased, after which there was assault by main accused by knife. Learned APP took this Court through the

postmortem report, more particularly column no. 17 and cause of death, and submitted that serious offence is committed. Hence, he opposed bail application.

4. Perused the papers and FIR dated 14.07.2024 at the instance of one Sayyed Arbaj Sayyed Yunus, who reported police that that his deceased brother Salman objected and obstructed Aslam @ Jaddo (applicant no.1), Akram and Amer (applicant no.2) from consuming liquor behind their house, resulting into heated exchange of words. According to him, on 14.07.2024 at around 01.00 a.m., Akram, Aslam (Jaddo) and Amer came to their house and gave call to his brother and therefore his brother went out of the house. Informant claims that he too followed and saw Akram taking his brother ahead and then he claims to have heard shout of his brother and that time, he saw Jaddo and Amer had caught his brother and Akram gave blow of dagger on the thigh of his brother and all those persons ran away. When his brother was taken to hospital, he was examined but was declared dead, and hence the above report.

5. Statements of above referred witnesses, to which attention of this Court is invited by learned APP, is also visited. They also speak about deceased being caught by present applicants, after which

Akram gave blow with dagger, i.e. a large knife, on the thigh. Postmortem report shows that death is due to injury to right femoral artery. Therefore, only on facilitation by present applicants, assault had been carried out. Taking above material into consideration, though charge sheet is filed, this Court is not inclined to grant bail at this stage. Hence, I proceed to pass the following order :

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]

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