



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 209 OF 2025

Shaikh Moin Shaikh Majid,
Age : 26 years, Occu. : Labour,
R/o. Adawad, Tq. Chopda, Dist. Jalgaon.

... Applicant
(Ori. Accused No.1)

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Jalgaon, Dist. Jalgaon.
2. Inspector of Police,
Adawad Police Station,
Tq. Amalner, Dist. Jalgaon.

... Respondents.

WITH

BAIL APPLICATION NO.177 OF 2025

Irfan Abdul Tadvi,
Age : 32 years, Occu. : Labour,
R/o. Adavav, Tq. Chopda,
Dist. Jalgaon.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Police Station Adavav, Dist. Jalgaon.

... Respondent

.....

Mr. Chetan B. Chaudhari, Advocate for Applicant in BA/209/2025

Mr. S. S. Kulkarni h/f. Mr. B. S. Deshmukh, Advocate for Applicant
in BA/177/2025

Mr. V. M. Jaware, APP for Respondent - State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 3rd MARCH, 2025

PRONOUNCED ON : 5th MARCH, 2025

ORDER :

1. Both above applications are for grant of regular bail on account of arrest of applicants in Crime No.0157 of 2024 registered at Adawad Police Station, District Jalgaon for offence punishable under sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita.

2. Learned counsel for applicant, who has moved Bail Application No.177 of 2024, point out that, applicant is arrested on 05.09.2024 regarding occurrence which had allegedly taken place on 31.08.2024, but FIR is lodged on 01.09.2024. He emphasized that, in fact, FIR is against unknown person. That, taking through the FIR, it is pointed out that, *prima facie*, allegations are of assaulting informant by unknown person for unknown reason. He pointed out that, deceased was seen going in the company of one Subhash Barela. Present applicants are subsequently involved on some hearsay information. Learned counsel took this court through the statement of one Iqbal Ramzan Tadvi for naming present applicants. However, it is pointed out that, his statement is not credible as in spite of allegedly seeing occurrence, his statement is recorded on 05.09.2024. Even otherwise allegations are of hitting stick and allegation of strangulation are against non applicant Kalindar. Now, investigation is already over. Charge

sheet is already filed in November 2024. According to learned counsel, there are no immediate prospects of matter going for trial or it further getting concluded. For above reasons he seeks grant of bail.

3. Learned counsel for applicant, who has moved Bail Application No.209 of 2025, also submitted that, FIR is against unknown person. That, there is confusion as to at what time the deceased actually went out of the house and was seen in the company of others including present applicants. That, even otherwise general allegations are levelled about using stick and main allegations of strangulation are against Kalindar. It is further pointed out that, cause of death is not established in spite of post mortem. Even according to him, now charge-sheet having being filed in November 2024 itself and there are no immediate prospects of matter going for trial, he also seeks grant of bail on suitable condition deemed fit by this court.

4. Learned APP strongly opposed on the ground that offence of murder is committed. That, there is direct eye witness account. He has defined roles played by both applicants along with other co-accused. That, there is joint assault on petty count. Deceased suffered multiple injuries, fracture and was strangled. In all four to five persons are named. Therefore, with such serious

allegations, he opposes the grant of bail.

5. Perused the papers. FIR is by one Ishwar Jagdish Solanki and substance of the FIR is that, his deceased father Jagdish had met with an accident and as such, he did not work, but was consuming liquor sometimes. He further reported that, on 31.08.2024, around 10:00 p.m., he saw his father consuming liquor with Subhash Tersing Barela. While informant was taking dinner, he learnt from his wife that, at around 10:00 a.m., his father Jagdish left on motorcycle for repair of mobile and came back at 6:30 p.m., borrowed Rs.500/- from his mother and went walking and again returned with Subhash Barela on motorcycle at around 09:30 p.m. and since then they both are consuming liquor. Informant claims that, he also saw both of them i.e. his father and Subhash Barela going on motorcycle at 10:15 p.m. and thereafter he slept. He claims that, on next day i.e. on 01.09.2024, he woke up and did not find his father as well as their motorcycle. He went to work at field and at around 11:00 a.m., he claims to have received phone call from one Vitthal Barela about his father lying dead near a Darga. On going there, he saw injuries on the person of his father and hence he lodged report about murder of his father by unknown person for unknown reason by unknown weapon. Thus, FIR is registered against unknown persons on 01.09.2024. Both

present applicants are shown to be arrested on 06.09.2024 i.e. after six days of occurrence. P.M. shows that viscera is preserved and opinion about cause of death is reserved. Learned APP has pointed out that in column no.17 of P.M. report, there is ligature marks.

6. On visiting statement of Iqbal Ramzan Tadvī, which is apparently relied by both, learned counsel for applicants as well as learned APP, it is emerging that, this witness has given statement on 05.09.2024 regarding occurrence allegedly seen by him on 31.08.2024. He claims that, around 7:00 p.m. of 31.08.2024 while he was going for answering call of nature, he met Shahruk Tadvī, Kalidar Tadvī and they all three together went to answer call of nature. He claims that, while they were chatting, Irfan Tadvī and Moin Shaikh came and Moin Shaikh went to purchase bear and thereafter Irfan Tadvī consumed bear, whereas, this witness, Shahrukh Tadvī, Kalindar Tadvī and Moin Shaikh smoked *Chilam* and around 9:00 p.m., they saw one person proceeding on motorcycle and was allegedly questioned. On some exchange of words, it is alleged that, initially Irfan went towards motorcycle, kicked it, as a result of which said person fell down. Thereafter, Shahrukh, Moin and Kalindar also joined and they all went and took that man towards main gate and therefore this witness

followed them and claims to have seen Irfan (i.e. applicant in B.A. No.177 of 2025) and Shahrukh Tadvī, Kalindar Tadvī and Moin Shaikh (applicant in B.A. No.209 of 2025) assaulting that man on head, back and abdomen by means of stick and it is alleged that, Kalindar strangled that man by means of rope. He further stated that, as this person witnessed the occurrence, he was also threatened with dire consequences and therefore he did not report the occurrence on that date. On 05.09.2024, he was called at Police Station and therefore he gave above statement.

7. Therefore, apparently both applicants are named by above witness. Their roles are also defined. Column no.17 of post mortem of deceased shows ligature marks coupled with injuries, abrasions, fracture and crush injuries. Therefore, barely few months have lapsed since arrest of the applicants. Cause of death is yet to be established. Therefore, this court is not inclined to grant bail with such nature of allegations.

8. Both application stand rejected accordingly.

(ABHAY S. WAGHWASE, J.)