



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

BAIL APPLICATION NO. 347 OF 2025

Shaikh Salim Sahikh Sattar
Age: 28 years, Occu.: Labour,
R/o. : Sayyad Miya Pimpalgaon,
Tq. & Dist.: Parbhani,
At present R/o. : Datta Nagar, Ranjangaon
Shenpunji, Tq.Gangapur, Dist.Aurangabad.Applicant

Versus

The State of Maharashtra
Through Police Station, MIDC Waluj,
Aurangabad.Respondent

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Advocate for Applicant : Mr. I.G.Durrani
APP for Respondent : Mr.C.VBhadane
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 APRIL, 2025

PRONOUNCED ON : 25 APRIL, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0587 of 2024 registered at MIDC Walluj Police Station, District Chhatrapati Sambhajnagar (Aurangabad) for offence under Sections 302 read with 34 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest of the applicant as 23-06-2024,

learned counsel would submit that there was minor quarrel. That, there is no eye witness account. That, applicant, victim and accused are related. That, there are allegations of use of stick. That, cause of death is head injury. That, it was sudden occurrence and not premeditated. That, whatever was to be recovered is already recovered. That, investigation is over. That, chargesheet is filed in September, 2024 and therefore, when no purpose would be served by further detention, he urges for grant of bail.

3. Learned APP strongly opposed application on the ground that offence of murder is committed. That, there are statements of witnesses. That, there is statement of wife of deceased also. That, applicant has used stick like danda. That, there is recovery of tick. That, post mortem report shows that deceased died due to head injury. He pointed out that there are multiple injuries on the body of deceased, which are noted in column 17 of the post mortem report. That, submission regarding occurrence was sudden and as a result of minor quarrel cannot be considered in the light of multiple injuries. For above reasons, bail application is opposed.

4. Heard. Perused the papers. FIR is by one Shaikh Mumtaj

Shaikh Isak. It is reported that informant has four sons namely Shaikh Muktar, Shaikh Hamid, Shaikh Yunus and Shaikh Feroz. That, on 20-06-2024, mother-in-law of Shaikh Muktar requested him to drop her at Ranjangaon stating that his brother-in-law namely Mustak are troubling her and that she is fed up and she requested Shaikh Muktar to accompany her to give understanding to said Mustak and accordingly, Muktar went with her. Informant reported that Muktar did not return home. On 21-06-2024 when informant asked Muktar's wife namely Tabasoom as to why Muktar had not come, she allegedly told that her brother Salim told her on phone that there was quarrel between Muktar and Mustak, and Mustak had hit Muktar on the head with stick and he is being taken to GHATI hospital. Accordingly, informant went there and claims to have made enquiry and it was learnt that when Muktar was giving understanding to Mustak, both Salim and Mustak assaulted Muktar by wooden stick causing him severe injury on the head. That, Muktar died on 23-6-2024 while undergoing treatment. Hence, the above report.

5. Statement of wife of deceased Muktar namely Tabasoom is also on record. As pointed out, on going through the post mortem report,

it shows that deceased had suffered as many as seven injuries including hemorrhage under scalp over bilateral parietal and temporal regions and fissured fracture over high parietal region extending to bilateral temporal regions, sub-dural hemorrhage over fronto-parietal temporal region and subarachnoid hemorrhage present over fronto-parietal-temporal region.

6. In view of above material, *Prima facie* though sticks are used, considering the numbers, nature and sites of injuries, it appears that there is massive beating. Therefore, even though chargesheet is filed, with such nature of allegations, this Court does not find it a fit case to grant relief. Hence, following order.

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE