



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

BAIL APPLICATION NO. 455 OF 2025

Sajjad Sayed Hajipasha Sayed
Age: 30 years, Occu.: Labour,
R/o. Madina Majid @ Aksa Majid,
Near Banshelki Road, Udgir, Tq.Udgir,
Dist.Latur.

....Applicant

Versus

The State of Maharashtra
Through the Investigation Officer,
Police Station Udgir (Rural),
Tq.Udgir, Dist.Latur.

.....Respondent

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Advocate for Applicant : Mr. J.M.Murkute
APP for Respondent : Mr.VM.Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 APRIL, 2025

PRONOUNCED ON : 22 APRIL, 2025

ORDER :

1. This is regular bail application on account of arrest of applicant in crime no.0492 of 2024, registered at Udgir (Gramin) Police Station, District Latur, for offence under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita.

2. Pointing to the date of arrest as 05-09-2024, it is submitted that alleged occurrence is of 03-09-2024. That, incident is fall out of

some quarrel of honking horn. That, there are allegations of assault by stick on the head. That, stick was said to be lying at the spot and the same was used. That, deceased allegedly came for intervention and as such, there was no motive or ill-intention to assault. That, deceased went home, slept and subsequently, was taken to hospital and he expired on 05-09-2024 and thereafter, complaint has been lodged. That, now investigation is over. That, nothing is to be recovered or discovered at the instance of applicant and chargesheet is already filed in November, 2024. For all above reasons and as there are no immediate prospects of matter going for trial, learned counsel urges for grant of bail.

3. Learned APP strongly opposed application on the ground that there is direct eye witness account. Apart from direct eye witness account, there is statement of injured Avinash Waghmare, which is recorded under Section 164 of the Code of Criminal Procedure. Learned APP pointed out that, after issuance of threats to not to spare, assault has been carried out that too with stick and on vital part like head. Therefore, according to learned APP, intention is explicit. For above reasons, he opposed application and relief.

4. Perused the FIR dated 05-09-2024 at the instance of Nirmala Baliram Sangave. She reported that on 03-09-2024 at around 11:00 a.m., her husband, as usual, left for agriculture work. At around 09:30 p.m., her relatives namely Shivrudra Lingappa Zerkunte and Chandrakala Shivrudra Zirkunte brought her husband in injured condition and on query, her husband allegedly told that Ajay Balaji Suryawanshi, Mahesh Sadev Bhutampalle, Dayanand Vishwanath Kale were chatting, at that time, one Ertiga Car bearing registration no.MH02 DC0961 came near them and horn was honked loudly and therefore, Ajay questioned the driver and suggested that vehicle be taken from other side. Thereafter, it is alleged that persons sitting in the vehicle got down, one of them kicked the Motorcycle occupied by Ajay and Ajay and Mahesh were slapped after hurling abuses. Therefore, Ajay Mahesh and Dayanand fled leaving the Motorcycle there. Later on, after hearing commotion, when deceased alongwith Somnath Matkate went to the said spot, at that time, Salman Jilani Pathan and Sajjad Hajipasha Sayyad both resident of near Madina Masjid, Udgir were present near the Car and therefore, they were questioned for quarrel and beating. At that time, Salman slapped Avinash, as a result of which, he allegedly fell. At that time, Sajjad questioned deceased for intervening and saying that he would be

done to death, he assaulted by means of “wooden danda” on the head. Subsequently, informant’s husband was taken to hospital and admitted. But he died while undergoing treatment at Government Hospital, Latur and hence, report was lodged.

5. Statement of witness Avinash Waghmare is also on record. Therefore, there is eye witness account. As pointed out, subsequently allegations are that present applicant, after issuing threats to be done to death, made assault on deceased by “wooden danda” that too on the head. Post mortem report shows that death is due to “Head injury”. Therefore, taking such nature of accusations into consideration, when assault is apparently after threats to kill, intention is writ large and explicit. Taking such material into consideration, application deserves to be rejected. Hence, following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE