



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 BAIL APPLICATION NO. 824 OF 2025

Sharukh Ismail Tadv
VERSUS
The State of Maharashtra

Advocate for Applicant : Mr. Rupesh Anil Jaiswal
APP for Respondents: Mr. G.O. Wattamwar

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 2nd SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 157 of 2024 registered with Adawad police station, District Jalgaon for the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita.

2. Learned advocate for the applicant pointed out the report, in which it is averred that the informant viz. Ishwar Jagdish Solanki is the son of the victim. It is averred in the report that on 1.9.2024 at about 7.00 a.m. the informant got information that his father is lying injured. He went to the agricultural land situated in Adawad village. Thereafter, during the course of recording of statements of witnesses, it was revealed that one Iqbal Ramjan Tadv, the

applicant and other co-accused persons assaulted the deceased under the hit of anger. When the father of the informant was under the influence of liquor, the co-accused asked him that why he was consuming the Ganja by sitting there. On that count, a quarrel started. Then his motor cycle was kicked. He fell down from the motor cycle. The applicant and co-accused went there. The persons present there, ran away towards graveyard. At that time, the applicant and co-accused beaten him by stick and throttled him with the rope. The witness Iqbal Tadvī was the eye witness to the incident. Thus the report was lodged.

3. Learned advocate for the applicant submitted that though it is a case of murder however, it was not preplanned murder. The incident took place all of a sudden. The investigation is over and the charge sheet is filed. The trial will take a long period. The applicant has roots in the society. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application on the ground that there is direct evidence against the applicant, who assaulted the deceased in a hit of anger, by a stick. There is ample evidence against the applicant. The charge sheet is filed even the trial can be expedited. He submitted to reject the application.

5. Perused the charge sheet particularly the report, the statements of witnesses and the post mortem report. The incident took place all of a sudden and it was not preplanned murder. The applicant is arrested before one year immediately after the incident. The trial will take a long period. The applicant has roots in the society. He will not flee away from trial. Considering all these aspects, a case is made out for granting bail on the principle that 'bail is Rule and jail is exception'. Thus, there is no any exception made out for refusing bail to the applicant. The application, therefore, deserves to allowed on certain conditions. Thus, there is no ground made out to reject the application. The applicant has roots in the society. He will not flee away from the trial. The application therefore, deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 157 of 2024 registered with Adawad police station, District Jalgaon for the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like

amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicant shall not enter within the vicinity of village Adawad, Tq. Chopda, District Jalgaon till the conclusion of the trial.
- c) The applicant shall attend the concerned police station once in a month, particularly on the second day of each month.

(SANJAY A. DESHMUKH, J.)

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