



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

**BAIL APPLICATION NO.1253 OF 2025**

**ASLAM SAJID SAYYED ALIAS GADESWAR  
VERSUS  
THE STATE OF MAHARASHTRA**

....  
Mr. Y. G. Biradar and Mr. Namdev S. Shinde, Advocate for the applicant  
Mr. S. B. Narwade, APP for the Respondent/State  
....

**CORAM : SANJAY A. DESHMUKH, J.**

**DATE : 16.10.2025**

**PER COURT :-**

1. Heard.
2. This is an application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.421 of 2024 registered at AUSA Police Station, District Latur, for the offences punishable under Sections 103(1), 115(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The informant averred in the report that on 18.10.2024, in the morning, while she and her family members were at home, her husband Yadul and elder sister had gone to work. Later in the evening, at about 4:00 p.m., her elder brother Vazir returned home. The informant noticed that he had sustained an injury on his left elbow and was

bleeding. Upon inquiry, Vazir informed her that while he was near the lake at Azad Chowk, Sajid Gadeswar, Aslam Gadeswar, and Awez Gadeswar came there and demanded Rs.500/- for drinking liquor. When he told them that he did not have any money, they started quarreling with him, abused him and assaulted him with fists and kick blows. At that time, Sajid and Awez caught hold of his hands while the applicant assaulted him on the head with a stick. Vazir further told the informant that due to the assault, he was feeling dizzy and wanted to rest for some time. Later, when the informant's husband and elder sister returned home, she informed them about what Vazir had told her. When they tried to wake him, he said that he had a headache and wanted to sleep more. He then slept. At about 11:00 p.m., the family members tried to wake up him for dinner, but he was unresponsive and showed no movement. Thereafter, he was immediately taken to the hospital for treatment, but the doctor examined him and declared him dead. On the next day, a postmortem examination was conducted, and a report was lodged against the applicant and others.

4. The learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has roots in the society and he will not flee away from the trial. The learned advocate pointed out that the co-accused Sajid has already been released on bail by

this Court. The charge sheet has been filed and further custody of the applicant is not necessary. It is submitted that since the trial will take a long period, on the ground of parity, the applicant may be granted bail.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is booked for a serious crime. The applicant assaulted Vazir on the head with a stick, which ultimately resulted in his death. There is direct and circumstantial evidence against the applicant. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report and statements of witnesses. The applicant's role is specifically stated that he assaulted Vazir with a stick when Vazir could not satisfy his demand of Rs.500/- for drinking liquor. There is direct and circumstantial evidence against the applicant. If he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. However, the ground of parity is not applicable to the present case, as the role of this applicant is different and more serious than that of the co-accused. The role of the other co-accused is that they caught Vazid while the applicant assaulted him on

the head with a stick after which Vazir succumbed to his injuries. The applicant is booked for serious crime. He may commit same nature of crime. He is likely to pressurize the prosecution witnesses and tamper with the evidence. Considering all these reasons and the nature of the applicant's overt act, the application deserves to be rejected as the exception is not made out as per the principle that bail is rule and jail is exception to grant the bail to the applicant. The Bail Application is rejected.

**[ SANJAY A. DESHMUKH, J. ]**

*HRJadhav*