



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1279 OF 2025

SULTAN ABDUL GAFAR KURESHI  
VERSUS  
THE STATE OF MAHARASHTRA.

...

Mr. Ankita J. Mantri, Advocate for applicants  
Mr. R.D. Raut, APP for respondent.

CORAM : MEHROZ K. PATHAN, J.

DATE : 3<sup>rd</sup> NOVEMBER, 2025.

P.C. :-

1. The applicant has filed present application for grant of regular bail in Crime No. 653 of 2024 registered with Gandhi Chowk Police Station, Latur for the offences punishable under Section 103-1 of the Bhartiya Nyaya Sanhita and under Section 4/25 of the Arms Act.

2. The allegation is that the applicant had consumed alcohol alongwith deceased and was seen going to the spot of incident in a drunken condition. After both were last seen together going to the spot of incident, the deceased was found dead. Thus, the applicant was prosecuted for the aforesaid offence of committing murder of the deceased – Paigambar Haji Malang Sayyad i.e. husband of the informant. The complainant/wife of the deceased Paigambar had thus prayed for appropriate action upon which the FIR was lodged and investigation was carried out.

3. It is the submission of learned counsel for the applicant appointed through Legal Aid Committee that there is no direct evidence

implicating the role of the present applicant in the commission of murder of the deceased Paigambar Haji Malang Sayyad. The statements of eye witnesses only show that the applicant was last seen with the deceased having consumed liquor. According to him, the witnesses are hear-say and that there is every likelihood that the applicant may be acquitted as the circumstantial evidence is very weak in nature.

4. As against this, the learned APP has strongly opposed the present application on the ground that there are eye witnesses who have seen the applicant to be in the company of deceased Paigambar on the date of incident i.e. 9.10.2024. The eye witnesses Chand Yasin Sayyad, Khudbuddin Dagdumiya Shaikh, Sadik Salar Shaikh and Kasim Goremiya Shaikh have specifically stated in their evidence that they have heard about the murder committed by the present applicant after consuming liquor in the quarrel. It is further stated by learned APP that Sunil Kotalwar, Nagnath Narale and Shrikrushna Shelke are the police constables who have received the information from the people residing in the vicinity. The witness Shrikrushna Shelke has, in fact, taken the deceased to the hospital and made an attempt to inquire from the deceased about the name of the assailant, however, the deceased was not in a condition to state. Shrikrushna further stated in his evidence that he has received information that the applicant has committed murder of the deceased.

5. Further, the statement of witness Salman Jahagirdar would show that the applicant was last seen in the company of the deceased on 9.10.2024 at about 7.15 p.m. when the witness Salman was present in his shop. The applicant went along with the deceased towards the country liquor shop. It is stated by the witness Salman that after some time, at about 7.30 p.m. the deceased had come back to the shop holding hand on his neck having profuse bleeding and his clothes were stained

with blood. The learned APP, therefore, submits that there is ample evidence to implicate the applicant in the crime in question and as such, the applicant.

6. I have considered the entire record with the assistance of the counsel appointed as well as the learned APP. On perusal of the investigation papers, it is seen that all the witnesses implicate the role of the present applicant in the commission of crime. The accused is alleged to used “Sattur” i.e. Long Iron Knife, for committing murder of the deceased. The applicant was seen last in the company of the deceased by witness Salman and as such, there is direct evidence on the point of last seen. No doubt, there is no direct evidence in the present case as regards the actual assault, the circumstances in which the applicant was found in the company of deceased was in immediate proximity from the time of incident. Moreover, the weapon i.e. “Sattur” is recovered at the instance of the applicant/accused and the incriminating articles i.e. clothes of the applicant is also recovered at the instance of the applicant. Looking to the evidence collected by the prosecution which also includes the Post Mortem Report, which reveals nature of injury over the neck as the probable cause of death. Thus, the injury is consistent with the statement of the witness Salman, who has seen the applicant in the company of the deceased immediately before his death.

7. As the offence is serious in nature, I am not inclined to grant bail to the applicant at this stage. Hence, the following order :-

#### O R D E R

[A] The application for bail filed by applicant in connection with Crime No. 653 of 2024 registered with Gandhi Chowk Police Station, District Latur, is hereby rejected. However, the applicant would be at liberty to renew his request for grant of bail after a period of one year, if

there is no substantial progress in the trial.

[B] The application stands disposed of accordingly.

[C] Fees of the counsel appointed to represent the application be quantified as per the Rules of Legal Services Sub Committee, Aurangabad.

**[MEHROZ K. PATHAN]**  
**JUDGE.**

grt/-