



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 BAIL APPLICATION NO. 1881 OF 2025

YASH SANJAY SHELKE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. Satej S. Jadhav, Advocate for Applicant.

Mr. S. B. Narwade, APP for Respondents-State.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 9th OCTOBER, 2025

P.C.:-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. This is an application for granting regular bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The Applicant is arrested in Crime No.581 of 2024 dated 10th September 2024, registered with Taluka Jalna Police Station, District Jalna, for the offence punishable under Sections 103(1), 189(2), 190, 191(2) and 193(3) of Bharatiya Nyaya Sanhita, 2023.
3. It is revealed from the report and statements of witnesses that the deceased-Hafiz Habib Shaikh and one Rani Saini, who is the mother of the present Applicant-Yash had gone to Hotel Chiranjivi. Upon learning that his mother had gone to the said hotel with the

deceased, the Applicant, along with his friends, proceeded there. They first assaulted the auto-rickshaw driver and thereafter went upstairs, where they allegedly committed the brutal murder of Hafiz Habib Shaikh.

4. Learned Advocate for the Applicant submitted that the Applicant is the son of Rani, who was having an affair with the deceased and was present with him in the said hotel room. It is submitted that when the Applicant, along with other accused persons, went to the hotel room to question her about her conduct, the deceased first assaulted the Applicant with an *Akodi* (iron rod/weapon), as a result of which he sustained an incised wound on the little finger of his hand. It is contended that, in an attempt to save himself, the Applicant retaliated and acted in exercise of his right of private defence. The Applicant has deep roots in the society and no criminal antecedents. It is further submitted that the trial is likely to take considerable time for its conclusion. Considering these aspects, it is prayed that the Applicant be released on bail.

5. Learned APP for the Respondent-State opposed the application and submitted that the Applicant has been booked for a serious offence of murder. It is contended that if he is released on bail, the Applicant may pressurize prosecution witnesses and tamper with

the evidence. Considering the gravity and seriousness of the offence, it is, therefore, prayed that the application be rejected.

6. Perused the charge-sheet, particularly the report, statements of witnesses, and the post-mortem report of deceased. The role attributed to the Applicant is that when the deceased first assaulted him with an *Akodi*, resulting in an incised wound on his little finger, the Applicant, in an attempt to save himself, retaliated and exercised his right of private defence. Considering the specific role attributed to the Applicant and the overall circumstances of the case, the application deserves to be allowed.

7. In view of the above, the application is allowed in the following terms :

- a] The Applicant shall be released on bail in connection with FIR No.581 of 2024 dated 10th September 2024, registered with Taluka Jalna Police Station, District Jalna, on furnishing PR bond of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The Applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

8. The application stands disposed of.

(SANJAY A. DESHMUKH, J.)

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