



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

902 ANTICIPATORY BAIL APPLICATION NO. 1904 OF 2024

Sohel @ Bombaiyya Ayyub Khan

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Patil Dhananjay Shrikant

APP for Respondents-State: Mr. B. B. Bhise

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 26, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No. 79/2024, dated 14/02/2024, registered at MIDC CIDCO Police Station, Aurangabad, District Aurangabad, for the offences punishable under Sections 304 and 326 read with 34 of the Indian Penal Code.
3. This matter was listed on 24/02/2025. It was argued on that day, but the Court was not inclined to grant relief to the applicant. Therefore, the matter was listed for withdrawal on 26/02/2025. However, the applicant has not withdrawn the matter and thus this order is passed.
4. According to the FIR, on 31/01/2024, when the informant was proceeding towards his office and reached near Ratnaprabha Motors, he noticed two persons following him on a Passion motorcycle, one of whom

was holding an iron rod. Upon reaching MIDC Ratnaprabha showroom in front of Vakhard Company, he was assaulted on the waist with a hard object, causing him to fall. One of the accused then struck him on both legs below the knee with an iron pipe, resulting in fractures. As people gathered at the scene, both accused fled from the spot.

The informant initially sustained fractures to both legs and later succumbed to his injuries, leading to the addition of Section 304 of the Indian Penal Code against the applicant.

5. During the investigation, one Shaikh Daud @ Shahrukh Shaikh Najmoddin was arrested. Based on his statement given in custody, the applicant was implicated in the crime.

6. The learned Counsel for the applicant submits that the applicant has been implicated solely on the basis of the co-accused's statement and that there is no evidence establishing a nexus between the applicant and the co-accused. It is further submitted that the co-accused has already been granted regular bail. The applicant is neither identified nor directly involved in the commission of the crime. Additionally, there is no specific material available to indicate that the applicant assaulted the informant. However, the learned APP submits that CCTV footage reveals the applicant following the informant on a

motorcycle without number plate on the alleged day of incident. As such, the statement of the co-accused is substantiated by the CCTV footage.

7. Considering the fact that the applicant is seen in the CCTV footage following the informant on a motorcycle without a number plate, and considering the gravity of the offence, and the statement of co-accused implicating the applicant, this is not a fit case to grant anticipatory bail to the applicant/accused. In view of the above, the application is dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.