



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO.2218 OF 2024

Faisal Khan S/o Arif Khan  
Age 20 years, Occu.: Student,  
R/o. Chaufala, Tq. & Dist. Nanded. ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Abhaysinh K. Bhosle, Advocate for Applicant  
Mr. S.B. Narwade, APP for Respondent – State  
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 JANUARY 2025

PRONOUNCED ON : 14 JANUARY 2025

ORDER :

1. Applicant prays for grant of regular bail in Crime No.0220 of 2004 registered at Itwara Police Station, District Nanded for the offence punishable under Section 302 read with section 34 of the Indian Penal Code (IPC).

2. Learned counsel for applicant pointed out that FIR dated 16.06.2024 is registered against unknown persons. That, later on, applicant is implicated and arrested on 17.06.2024. He pointed out that after the applicant's arrest, a supplementary statement of the informant

was recorded. That, this statement alleges some money transaction between the applicant and the deceased, including allegations of demanding repayment and threats of dire consequences. Learned counsel pointed out that that is no eyewitness to this incident. That, case is based on circumstantial evidence. That though the death is homicidal, learned counsel pointed out that, when applicant is interested in money, why he would kill the deceased. He pointed out that, wife of deceased has given different version. That, two persons were arrested, but another person, namely Mohammed Khaja Khan S/o Mohammed Taher Khan is released on bail by the learned Trial Court by order dated 21.08.2024. That, allegation against present applicant is of using iron rod, but seized iron rod carries no stains. Even post-mortem report is silent about any injury due to iron rod. According to learned counsel for applicant, injuries noticed on the person of deceased are incised wounds and the same are not possible by use of iron rod. That, applicant being behind the bars since June 2024 and FIR being against unknown persons, and there is subsequent implication, learned counsel prays for grant of regular bail.

3. Learned APP strongly opposed the application on the ground that murder of the brother of informant has been committed. That, though FIR was against unknown persons, investigation revealed that there was financial transaction between applicant and deceased, and present applicant had demanded money back and upon the deceased's failure to

comply, issued threats to kill. That, he executed the same. That, there is recovery of the weapon at the instance of applicant, and therefore, learned APP opposed to release the applicant on regular bail.

4. Heard both the sides. Perused FIR as well as charge-sheet. FIR seems to be at the instance of Abdul Naim Abdul Rahim. Admittedly, report dated 16.06.2024 is against unknown persons for committing murder of his brother, who had allegedly suffered head injuries and incised injuries with sharp weapon. By virtue of supplementary statement, informant has reported about financial transaction between present applicant and his deceased brother, and that 20 days prior to the incident, there was quarrel between present applicant and deceased, wherein it is alleged that if Rs.3,00,000/- is not repaid within eight days, deceased would be done to death. Post-mortem of deceased Abdul Mansoor Abdul Rahim is placed on record along with charge-sheet. Deceased is shown to have died due to head injury, and column no.17 carries two incised injuries, i.e. lacerated wound on right parietal region and lacerated wound on right occipital region coupled with abrasion on left knee. Submission that iron rod put to use is not capable of causing incised injuries cannot be entertained at this stage and by this Court. Apparently, there is material suggesting threat in the backdrop of demand of repayment of the amount allegedly given to deceased. Therefore, taking into consideration the above material, nature of

allegations and gravity of offence, this Court is not inclined to grant bail.

Hence, the following order :

**ORDER**

The application is rejected.

**ABHAY S. WAGHWASE,  
JUDGE**

S P Rane