



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2281 OF 2024

Sayyad Imran Sayyad Gause @ Gausoddin .. Applicant

Versus

The State of Maharashtra,
through Investigation Officer,
Itwara Police Station,
District Nanded. .. Respondent

Mr. Dhananjay M. Shinde, advocate for the Applicants.

Mr. A. A. A. Khan, APP for Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 06.02.2025

P.C.:-

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested in connection with FIR No.0345/2023 dated 07.11.2023, registered at Itwara Police Station, District Nanded, for the offences punishable under sections 302, 307, 384, 386, 294, 143, 146, 147, 148, 149 of the Indian Penal Code and 4, 25 of the Arms Act and 35 of the Maharashtra Police Act.

3] The earlier Bail Application No.1116 of 2024 filed by the applicant was withdrawn on 22.07.2024. The learned counsel for the applicant submits that after withdrawal of the Bail Application No.1116 of 2024, other accused have been granted bail. As such, this bail application is filed.

4] The learned counsel for the applicant submits that the

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applicant is arrested on 22.11.2023. He submits that the other accused were involved in the offence and who have assaulted the victim are released on bail. The learned counsel submits that by order dated 21.10.2024 in Bail Application No.1704 of 2024, co-accused-Shubham Shivajirao Devrai has been released on bail, whose role is directly in the offence. He has used a stick and assaulted the victim. However, learned counsel for the applicant submits that the role of the applicant in the instant case is seen from the CCTV footage at 20.04.18 hours that the applicant has taken a sword from one-Chota Chingya and, thereafter, he returned it back to Chota Chingya on 20.04.33 hours. As such, the applicant is seen holding the sword for a period of approximately 15 seconds and returning it back to the person from whom he took it. The learned counsel submits that there are around 30 accused in the offence. The persons who have assaulted the deceased directly by means of dangerous weapon are not granted bail. However, accused who have assaulted the victim by kick and fists blows and others who were seen on the spot are granted bail by this Court.

5] The learned APP has not disputed the factual aspect as regards the applicant holding the sword and returning it back to the person from whom he had taken it within a period of 10 to 15 seconds. There is no other role ascribed to the applicant on record. However, the learned APP submits that since the applicant was involved in the offence, application may not be granted.

6] Considering the rival submissions and considering the fact that the applicant is in jail from 22.11.2023 and that the trial would take substantial time to conclude and considering the role of the applicant that he has not assaulted the victim and also the fact that the other accused who have assaulted the victim or who were present at

the time of incident have been granted bail by this Court, the applicant deserves to be granted bail.

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.0345/2023 dated 07.11.2023, registered at Itwara Police Station, District Nanded, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The applicant shall not enter the jurisdiction of Itwara Police Station, Nanded during pendency of the trial.
- c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- e] 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.
- f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

(ARUN R. PEDNEKER)
JUDGE