



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

BAIL APPLICATION NO.2348 OF 2024

Sayyad Saddam s/o Sayyad Sattar
Age: 35 Years, Occ: Labour,
R/o Ranjangaon Shenpunji,
Tq- Gangapur, Dist- Aurangabad.

..Applicant

Versus

The State of Maharashtra,
(At the instance of MIDC Waluj P.S.,
Dist. Aurangabad).

..Respondent

...
Mr. A. K. Bhosle, Advocate for the Applicant.
Mr. V. S. Badakh, APP for Respondent-State.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 14th JANUARY, 2025

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.0878 of 2023 registered with MIDC Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 323, 504, 506, 120-B r/w 34 of the Indian Penal Code along with Section 135 of Maharashtra Police Act.
2. The investigation was set in motion on the basis of report / information dated 23.10.2023 given by Deepak Hareram Bade, alleging that his brother was assaulted by the accused persons at Dandiya organized by Rajmudra Pratishthan. It is alleged that accused Sunil caught hold him and accused Satyam gave him stab blow by knife at the instance of accused Yogesh. It is further

alleged that applicant also assaulted Ganesh Hiwale and Amar Tarte, who were trying to save Pradeep.

3. The investigation progressed and finally charge-sheet dated 24.10.2023 came to be filed against in all four accused persons including applicant. The applicant was shown absconding in the charge-sheet. Later on, the applicant surrendered on 10.12.2024. Thereafter, he preferred application for regular bail before Sessions Court. However, same has been rejected on 13.12.2024.

4. Mr. Bhosle, learned Advocate appearing for the applicant submits that the role of the applicant is limited. The bleeding injury suffered by the victim by knife is not attributed to the applicant. All other accused persons have been already released on the regular bail.

5. The learned APP opposes the bail application contending that the role of the applicant/accused has been surfaced in F.I.R. as well as charge-sheet. Further, he was absconding from the date of offence. The possibility of fleeing away cannot be ruled out.

6. Having considered submissions advanced, it is apparent that the F.I.R. shows involvement of the applicant in commission of offence. However, accused Satyam is alleged to have stabbed victim Pradeep. No specific role is ascribed against the applicant

so far as injury suffered by victim Pradeep. The alleged weapons of offence are already recovered from the arrested persons. Although, the applicant was said to have absconded, the fact remains that he himself surrendered before Sessions Court on 10.12.2024. Since then, he is behind bar. The accused persons including accused Satyam, against whom the allegations of the assault using knife is made are released on bail. In that view of the matter, when the investigation is complete and trial would take its own course, further detention of the applicant would not be necessary. Hence, case is made out for grant of bail. Hence, following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Sayyad Saddam s/o Sayyad Sattar be released on bail in connection with Crime No. 0878 of 2023 registered with MIDC Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 323, 504, 506, 120-B r/w 34 of the Indian Penal Code along with Section 135 of Maharashtra Police Act on furnishing P.B. and S.B. of Rs.25,000/- (Rs. Twenty Five Thousand only) on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner.

b. The applicant shall attend each and every effective date before the Sessions Court.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE