



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 465 OF 2025

Rehman Ayub Pathan
Age: 31 years, Occu.: Labour,
R/o. Balirampur,
Tq. & Dist.Nanded.Applicant

Versus

The State of MaharashtraRespondent

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondent : Mr.VM.Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 05 MAY, 2025

PRONOUNCED ON : 06 MAY, 2025

ORDER :

1. Instant application is for grant of regular bail arising out of arrest of applicant in crime no.0620 of 2024 registered at Nanded Rural Police Station, District Nanded, for offence under Sections 103(1), 191(2), 191(3), 190, 351(3), 61(2) of the Bharatiya Nyaya Sanhita and under Sections 4, 25, 27 of the Arms Act.

2. It is submitted that applicant is arrested in above crime on 18-07-2024 and he is behind bars since then. That, he is shown as accused no.6. According to learned counsel, FIR itself is on

suspicion. That, alleged occurrence is in the backdrop of some quarrel, which had taken place two days prior to the incident in question dated 16-07-2024. That, there is no direct evidence and entire case is based on circumstantial evidence. That, investigation is over. That, no recovery or discovery is to be made. That, chargesheet is also filed in October, 2024. That, there are no immediate prospects of matter going for trial as even charge is not framed and as applicant is ready to abide by all and any conditions imposed by this Court, learned counsel urges for grant of bail.

3. While opposing the bail application, learned APP pointed out that serious offence is committed. That, there are multiple injuries on the person of deceased Shaikh Shahebaj by means of sharp weapon like Khanjar and scythe. According to learned APP, there is eye witness account. That, present applicant was in the company of main accused. That, previously i.e. on 14-07-2024, getting armed with sword, applicant had been to house of deceased and had issued threats and the same were executed. That, there is brutal assault and deceased had suffered 52 injuries and therefore, with such allegations, learned APP strongly opposes bail application.

4. Heard. Perused the papers. Report is by Shaikh Arbaj Shaikh Vakil and substance of the FIR is that in the backdrop of previous quarrel, on 14-07-2024 at around 04:00 p.m., Raheman Pathan, his brother Ajju Pathan, Gous Pathan, Shaikh Rahim Shaikh Lal, Nurkhan Husainkha Pathan came to the house of informant. It is alleged that said persons were armed with sword and had questioned whether Shahebaj is in the house and they were made known that he is not in the house and at that time, threats to kill were allegedly issued. He further reported that his brother Shahebaj used to visit one lady namely Masrat Shaikh. He further reported that on 16-07-2024, he met his younger brother Shahebaj in the square at around 11:00 p.m. On 17-07-2024, at around 07:00 a.m. he got a call from Shaikh Abdul Shaikh Bashir informing that his brother has been done to death near Z.P .School. Therefore, report has been lodged against above persons.

5. After close scrutiny of FIR, it is emerging that name of applicant is reflecting in the FIR for visiting house of informant at 04:00 p.m. on 14-07-2024 i.e. while persons allegedly come armed with sword. Similarly from the statement of witness namely Masrat Sayyad Bahadur, it is emerging that on 16-07-2024 between 10:00

to 11:00 p.m. deceased was in her room and as he wanted to leave her room at 05:00 a.m., door was tried to be opened, but was found to be closed from outside. She further reported that deceased made exit through window and at around 07:00 a.m. she learnt from her sister-in-law that Shaikh Shahebaj is lying in dead condition.

6. Therefore, taking the above discussed material into consideration about visit of accused persons including present applicant to the house of informant on 14-07-2024 issuing threats and on 16-07-2024 deceased having found dead and that as many as 52 incised wounds were found on the person of deceased, this Court is not inclined to grant bail even if chargesheet is filed. Accordingly, following order is passed :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE