



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

40 BAIL APPLICATION NO. 695 OF 2025

Ijharuddin Alias Ijju Jalaloddin Shaikh

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Shaikh Naseem R.

APP for Respondents-State: Mr. D. J. Patil

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CORAM : ARUN R. PEDNEKER, J.

Dated : June 23, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in connection with Crime/FIR No. I-487/2023, dated 01/10/2023, registered with Bazarpeth Police Station, Taluka Bhusawal, District Jalgaon, for offences punishable under Sections 302 read with 34 of the Indian Penal Code, Section 3/25 of the Arms Act, and Section 37(1) read with 135 of the Maharashtra Police Act.
3. The prosecution case is that the applicant assaulted the deceased with a knife. *Prima facie*, the CCTV footage shows the applicant assaulting the informant with a sword. The learned Counsel for the applicant has taken this Court through the post-mortem report (page 120) and submits that the cause of death is stated to be "haemorrhage and shock due to stab injury over abdomen". It is pointed out that Column No. 17 of the post-mortem report records eight injuries on the body of the deceased, out of which the vital injury is at Serial No.4 and is a stab wound measuring 3 cm x 1 cm x abdominal cavity deep.

4. It is argued that such an injury could only have been caused by a knife and not by a sword. The learned Counsel further relies on the statements of various witnesses, including the informant, who have stated that the deceased was stabbed with a knife. He submits that although a sword was recovered from the applicant, it does not bear any bloodstains and, therefore, could not have been the weapon used to inflict the stab wound.

5. However, the material on record, including the CCTV footage and the statements of eyewitnesses Vishwanath Prakash Khobare and Daulat Narayan Khobare, *prima facie* indicates that the applicant was seen assaulting with a sharp weapon / sword during the incident. The deceased sustained eight incised wounds, and the applicant's specific role cannot be distinguished from that of the other co-accused who allegedly carried weapons.

6. At this stage, having regard to the nature of the accusations and the evidence available, it cannot be held that the applicant is not involved in the commission of the alleged serious offence. The applicant has been in custody since 01/10/2023. Considering the overall circumstances and material on record, no case for grant of bail is made out at this stage. Accordingly, the application is dismissed.

7. However, the applicant is at liberty to file a fresh application for bail if the trial does not progress for an unreasonable period exceeding one year.

8. It is made clear that the observations made herein are only for the purpose of deciding this bail application, and the Trial Court shall decide the case on its own merits without being influenced by any of these *prima facie* findings.

(ARUN R. PEDNEKER, J.)

vj gawade/-.