



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.435 OF 2025
(Ejajuddin Jalaluddin Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Daga, Advocate for the applicant.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 6, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 01/11/2024 in connection with Crime No.647/2024 registered with Police Station Chandur Bazar, District Amravati for the offence punishable under Sections 103, 109, 351(2)(3), 352, 189(2), 192(2), 191(3), 190, 238, 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of a report lodged by Mohammad Iftekar Mohammad Khalid on an allegation that on 30/10/2024 at about 8.45 p.m., when he had been to Pan Stall, he heard the shouts of quarrel, therefore, he immediately rushed to the house of his cousin and saw that his cousin Sheikh Isar Sheikh was lying in an injured condition in front of his house. On inquiry with him, it was revealed to him that there was a matrimonial dispute between his daughter-in-law and the

other family members. On that count, the parents of the daughter-in-law came there and assaulted him as well as his son. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant further submitted that the only allegation against the present applicant is that he has assaulted by means of fist and kick blows and hold the deceased and thereafter other co-accused gave a blow of knife. He submitted that as far as the statement of the injured Abdul Nisar Abdul Wahab was recorded wherein he attributed the role to the present applicant to the extent of assault by fist and kick blows and holding the injured. With the similar allegation the other co-accused is already released on bail. He submitted that there was no intention on the part of the present applicant to commit murder of the deceased. Considering the limited role attributed to the present applicant, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that, in furtherance of common intention, the applicant and other co-accused assaulted the injured and caused the serious injuries. In view of the role attributed to the present applicant, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, admittedly the name of the present

applicant is mentioned in the FIR and the role attributed to him as per the FIR is only to the extent of assault by fist and kick blows. Other eyewitness has assigned the role that he has hold the deceased and thereafter the co-accused has executed the act of giving knife blow. Considering the limited allegation against the present applicant. However, the investigation is completed and charge-sheet is filed, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order.

(i) The criminal application is allowed.

(ii) The applicant - Ejajuddin Jalaluddin in connection with Crime No.647/2024 registered with Police Station Chandur Bazar, District Amravati for the offence punishable under Sections 103, 109, 351(2)(3), 352, 189(2), 192(2), 191(3), 190, 238, 103(1), 3(5) of the Bhartiya Nyay Sanhita, 2023, on executing PR. Bond of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case either personally or by way of electronic media.

(iv) The applicant shall not leave the jurisdiction of Amravati District without prior permission of the District Court, Amravati.

(v) The applicant shall not enter into the vicinity of village Thugaon Pimpri, Taluka Chandur Bazar, District Amravati till the culmination of the trial.

(vi) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

6. The criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*