



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 680 OF 2025

Saiyyad Raju Saiyyad Rajjak 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. A.D.Bhate, counsel for applicant.

Ms. M.A.Barbde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. By this application, the applicant is seeking bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for temporary period in connection crime No. 114/2023 registered with Police Station Hiwarkhed Police Station, Khamgaon, District Buldhana for the offence punishable under Sections 302, 326, 143, 147, 148, 120B and read with Section 149 of the Indian Penal Code, 1860; and Section 135 of Maharashtra Police Act. The applicant was arrested on 01/07/2023.

2. The accusations against the present applicant is on the basis of a report lodged by Javed Khan Allayarkhan, a resident of Chinchpur, Tah. Khamgaon, District Buldhana, on 01/07/2023, alleging that the accused Nos. 1 to 7 have purchased agricultural land in gut No. 278, which is adjacent to his field, and the father of the informant is the owner of gut Nos. 279 and

280, admeasuring 5 acres. His father has given the said land to the accused No. 1 for cultivation on a yearly basis. The accused No. 1 was trying to take possession of the said land, and therefore, the father of the informant has taken possession and started cultivating it personally. Due to which, there was quarrel took place prior to eight days. It is alleged that on 30/06/2023, with intervention of one Lalabhai, a meeting took place between the informant and the accused No. 1, and accused No. 1 admitted to settling their matter by obtaining some money, but the father of the informant was not ready for the same. On 01/07/2023, the present applicant, along with the other co-accused, by forming the unlawful assembly, came in the agricultural field armed with sticks, knife and chili powder and started beating father of the informant and other prosecution witnesses. Due to the assault by all the accused, the death of the injured, namely Shaikh Kasam Sheaikh Jan Mohammad and Mohammad Kha Turab Kha, was caused. On the basis of the said report, police have registered the crime against the present applicant.

3. Initially, the bail application of the present applicant was rejected on merits. Now, the present application is filed on the ground that the father of the applicant died on 11/06/2025, and he has to attend some religious ceremonies, and therefore, he be released on bail for a temporary period.

4. The learned APP and learned counsel for the complainant strongly opposed the same and raised an apprehension that there is every likelihood of repetition of the similar type of incident as well as the tampering of the prosecution witnesses.

5. On hearing both sides and on perusal of the investigation papers as well as the reasons mentioned in the application, there is no dispute as to the fact that there is sufficient evidence against the present applicant to show involvement in the alleged crime, due to which the earlier bail application was rejected. Now, this application is filed only on the ground that he has to attend the religious ceremonies i.e. 40th day, on which some religious activities have to be carried out. Considering the same, the application deserves to be allowed only for the purpose of attending the religious ceremonies, and therefore, I proceed to pass the following order.

- a] Criminal Application is **allowed**.
- b] The applicant – ***Saiyyad Raju Saiyyad Rajjak*** shall be released on temporary bail only for the purpose of attending the religious ceremonies for the period of 19/07/2025 till 22/07/2025 on executing PR. Bond of Rs. 50,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned police station in the morning from 10.00 a.m. to 12.00 p.m. as well as in the evening from 06.00 p.m. to 08.00 p.m. from 19/07/2025 to 22/07/2025. The Senior Police Officer of the concerned police station shall record his presence.
- d] The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the present case, and shall restrict his activities only to extent of attending the religious ceremonies.
- e] The applicant shall surrender himself before the Superintendent District Prison, Buldhana on 23/07/2025 at 10.00 a.m.
- f] The applicant shall observe these conditions, and any contravention of any of the conditions imposed on the applicant would lead to cancellation of his bail immediately and automatically.
- g] On failure to surrender before the Superintendent of District Prison, Buldhana, the concerned Superintendent of Police shall take appropriate steps to inform the District Court, Khamgaon, immediately and District Court, Khamgaon

shall immediately take appropriate steps to arrest the accused.

[URMILA JOSHI-PHALKE, J.]