IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

51 CRIMINAL APPEAL NO. 264 OF 2026

Samir Lukman Shaikh
Versus
The State Of Maharashtra And Another

Mr. Rahul R. Karpe a/w Mr. S. S. Pawar, Advocate for Appellant (VC)
Mr. S. B. Jadhav, APP for Respondent No. 1
Mr. N. B. Patekar, Advocate for Respondent No. 2

CORAM : R.M. JOSHI, J
DATE : OCTOBER 05, 2026

P. C. :

1. Appellant seeks regular bail in connection with Crime No. 0962 of 2025 registered with Kotwali Police Station, Tq. & Dist. Ahilyanagar for the offences punishable under Section 109(1), 115(2), 351(3), 352 and 103(1) of Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The first information report indicates that an incident had occurred on 17-10-2025 in which deceased Ravi was assaulted by Appellant with floor tile on his head. Deceased succumbed to the said injury on 23-10-2025. Initially, offense came to be registered against the Appellant of attempt to commit murder and later on, offense of murder came to be attributed against him.

3. Learned counsel for the Appellant submits that the Appellant

had not gone to the spot with weapon, which indicates that Appellant had no intention to kill the deceased. According to him, there is no eyewitness to the incident and there are statement of witnesses to the effect that deceased himself had informed them about the manner in which the incident had occurred. According to him, this shows that it was a case wherein the deceased was assaulted with fists and kick blows initially and in the fit of movement, tile lying at the spot was used for assaulting his head once. It is his submission that having regard to the nature of assault also, it cannot be said that the Appellant had intention to kill deceased. He claims that Appellant has no criminal history behind him and is not likely to flee from justice.

4. Learned APP and learned Counsel for the Informant opposed grant of any relief to the Appellant by referring to the post mortem notes as well as the statement of witnesses. According to them, the assault caused on the head of the deceased was sufficient to cause his death as reflected from the cause of death mentioned in the post mortem notes. It is their submission that there was dispute over the money involved, which provided the motive for the Appellant to commit murder of the deceased. Learned Counsel for the Informant, apart from above submissions, apprehends that in case the Appellant is enlarged on bail, he is likely to pressure witnesses and interfere in the evidence of the prosecution as he is residing in the same

area.

In response to the same, learned Counsel for the Appellant, on instruction, makes statement that Appellant will not enter the jurisdiction of the concerned police station till conclusion of the trial if he is enlarged on bail.

5. Prima facie perusal of the record indicates that an incident had occurred on 17-10-2025 in which there was a quarrel between the Appellant and deceased Ravi. As per the narration of the deceased to the witnesses, the assault was initially caused with fists and kick blows and later on the tile lying at the spot was used to cause a single blow on his head. This contention of the witnesses gets support from the post mortem notes. Though there are other injuries attributable to the fist and kick blows, the cause of death is on account of head injury, which is one in number. This Court finds substance in the contention of the learned Counsel for the Appellant that the Appellant has not gone to the spot with weapon, which shows that he had no premeditation to kill the deceased. His further submission to the effect that single injury on the head also indicates that there being no intention of the Appellant to kill the deceased.

6. Now charge-sheet has been filed on conclusion of the investigation. There is no likelihood of conclusion of trial within a short period of time. This Court, therefore, finds no justification in rejecting the

appeal. Presence of the appellant can be secured by imposing appropriate conditions. Hence, the order:

O R D E R

(i) Criminal Appeal is allowed.

(ii) Appellant in connection with Crime No. 0962/2025 registered with Kotwali Police Station, Tq. & Dist. Ahilyanagar for the offences punishable under Section 109(1), 115(2), 351(3), 352 and 103(1) of Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, shall be released on bail on furnishing PB and SB of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.

(iii) As volunteered, he shall not enter the jurisdiction of concerned police station till conclusion of trial, except attending dates before trial Court.

(iv) He shall attend the each dates of hearing before Trial Court unless exempted.

(v) He shall not contact the witnesses directly or indirectly.

(vi) He shall not interfere with the evidence in any manner whatsoever.

(vii) Bail before Trial Court.

(R. M. JOSHI, J.)

Malani