IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1305 OF 2026

SAJJAD JAHRUL ANSARI
Versus
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent - State : Mr. S. A. Gaikwad

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 06th OCTOBER, 2026

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for the respondent–State.

2. This is an application for regular bail of the present applicant, who is arrested on 04.09.2025 in connection with C.R. No. 230 of 2025, registered with Wadhwana Police Station, District Latur, for the offence punishable under Sections 103(1), 238 and 61(2) of the Bharatiya Nyaya Sanhita (BNS).

3. The prosecution story, in brief, is that on 25.08.2025, the complainant, who is a police patil, was given information about the finding of a dead body of an unknown woman in a suitcase at Shelgaon, Tq. Chatur, District, Latur. The complainant disclosed

that the dead body was noticed on 24.08.2025 and subsequently, the complainant was called at the spot. Upon verifying that the dead body belonged to an unknown woman, the offence came to be registered and necessary proceedings of spot panchnama and seizure panchnama were initiated. The offence was initially registered against unknown persons, stating that the unknown woman had been murdered for unknown reasons. During the investigation, the Investigating Officer came across a missing complaint of a woman lodged by accused No.1, who happens to be the husband of the deceased, at Udgir Rural Police Station on 03.09.2025. Accused No.1 was therefore called for inquiry, during which it is alleged by the prosecution that he confessed to the offence of murdering his deceased wife with the aid of three other accused persons, of which the present applicant is one of them. Accused No.1, therefore, came to be arrested on 04.09.2025 and, subsequently, on the basis of his alleged confession before the Police Officer, the other co-accused persons were also arrested. The investigation is complete and the charge-sheet has been filed.

4. Learned Advocate appearing for the applicant submits that the entire case of the prosecution is based upon circumstantial evidence and there is no direct eye-witness available, who states that the incident of committing the murder of the deceased was

observed or noticed by him. The only limited piece of material which is available on record is the statement of co-accused No.1, who is alleged to have confessed to the offence by taking the name of the present applicant and the other co-accused persons. There is CCTV footage alleging that the applicant was one of the persons carrying the dead body from the residence of accused No.1 in an auto-rickshaw. The statement of the auto-rickshaw driver, who has given the description of the persons accompanying accused No.1 along with the colour of the clothes they were wearing at the relevant time. There is also recovery of the clothes of the present applicant to suggest that the same clothes were described by the auto-rickshaw driver in his statement. He submits that no test identification parade was carried out by the prosecution and neither the persons informed in the CCTV footage are identified by the Investigating Officer. He submits that even if one goes by the entire prosecution story, the only allegation that can be levelled against the present applicant is pertaining to destruction of evidence. In absence of any constructive material on record, there is no material available on record to link the present applicant with the actual commission of the murder of the deceased. He submits that, as the investigation is complete and the applicant is languishing in jail since September 2025, in absence of any constructive material, he be enlarged on bail. He submits that the

applicant is a permanent resident of Uttar Pradesh and had come to Latur only for the purpose of employment and was engaged in contract labour work with the sugar factory. However, he submits that he will furnish bail with two local sureties of Rs.1,00,000/- each, if the applicant is released on bail.

5. Learned APP appearing for the State vehemently opposes the application by submitting that, though there is no direct evidence available regarding the incident, there are still CCTV footages which show that the applicant, at the relevant time, was moving within the vicinity of the residence of the deceased. He refers to the CCTV footage of the sugar factory, which covers some portion of the residential area of the labourers, wherein the applicant is shown to be moving around at the relevant time. He also relies upon the CCTV footage showing the taking of an auto-rickshaw for carrying the dead body of the deceased in a suitcase, wherein the present applicant is seen wearing particular clothes. He submits that the description of the clothes has been given by the auto-rickshaw driver, whose statement has been recorded, and from the same it can be ascertained that the applicant was involved in commission of the offence. He submits that the applicant is related to accused No.1 and therefore there is a clear case of conspiracy and involvement of the present applicant. He

further submits that the applicant is a permanent resident of Uttar Pradesh and therefore his availability at the time of trial is also doubtful. He, therefore, prays that the application be rejected.

6. I have heard the learned Advocates for the parties and have also perused the entire charge-sheet on record. The admitted position in the present case is that there is no direct evidence available pertaining to the commission of the offence. However, the post-mortem report indicates that the deceased died due to smothering, and the allegation of smothering is levelled against accused No.1, while the role ascribed to the present applicant is that of holding one leg along with the other co-accused. The material which is available in the charge-sheet shows that there are CCTV footages recovered from the sugar factory and from the place from which the auto-rickshaw was taken up by the accused persons to carry the dead body of the deceased in a suitcase. Both these CCTV footages show the presence of the present applicant, according to the prosecution.

7. I have perused the panchnama of the CCTV footage which came to be seized from the sugar factory, the transcript of which suggests that, at the relevant time, the applicant was moving along with the other co-accused persons from one place to

another. However, the said transcript and the panchnama do not indicate anything to show that the present applicant is walking or moving towards the residence of the deceased or entering the house of the deceased at the relevant time. There is also nothing in the transcript from which it can be inferred that, at the relevant time, the applicant was coming out of the residence of the deceased. The other CCTV footage relied upon by the prosecution is in respect of the footage which, according to the prosecution, shows the presence of the present applicant carrying the dead body in an auto-rickshaw for the purpose of disposal. The auto-rickshaw driver has not been confronted with the CCTV footage, and his statement stating that the present applicant was also part of the persons who took the auto-rickshaw at the relevant time is in place. The reliance of the learned APP on the description of the clothes provided by the auto-rickshaw driver and the clothes recovered from the present applicant is of some significance, at the most, to show that the present applicant accompanied the other co-accused persons in the auto-rickshaw. Whether there was any conspiracy for the commission of the offence and disposal of the dead body is a matter that will have to be ascertained and proved at the time of trial. Apart from this, the entire charge-sheet is silent in respect of the role played by the present applicant in the entire offence. At this stage, the prosecution material available on

record cannot be accepted on its face value without there being strict proof of the same.

8. In light of the above and taking into consideration that the applicant has been arrested and is in jail since 04.09.2025, I am inclined to allow the present application. Hence, the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant - Sajjad Jahrul Ansari shall be released on bail in Crime No. 230 of 2025, registered with Wadhwana Police Station, District Latur, for the offence punishable under Sections 103(1), 238 and 61(2) of the Bharatiya Nyaya Sanhita (BNS), on furnishing a personal bond of Rs. 1,00,000/- (Rupees One Lakh only) with one or two solvent surety in the like amount, subject to the following conditions :

a) The applicant shall attend the concerned police station on the first Monday of every month between 10:00 a.m. and 02:00 p.m. till framing of charge and thereafter shall regularly attend each and every effective date before the trial court, unless their attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile numbers to the Investigating Officer and the Trial Court within seven days of release, intimate any change forthwith.

d) The applicant shall not leave jurisdiction of the High Court without prior permission of the trial Court.

e) The applicant shall not involve himself in any offence of a similar nature while on bail.

f) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The Trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale