



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

BAIL APPLICATION NO. 340 OF 2026

Sattar S/o Masum Pinjari,
Age : 46 years, Occu : Labour,
R/o : Ambika Nagar, Near Patrewali Masjid
Wadzai Road, Tq and Dist. Dhule

... Applicant
(Orig. Accused)

VERSUS

The State of Maharashtra,
Through Chalisgaon Road Police Station,
Taluka and District Dhule

... Respondent

...
Advocate for Applicant : Mr. Chaitanya C. Deshpande
A.P.P. for Respondent/State : Mrs. P.V. Diggikar

CORAM : SHAILESH P. BRAHME, J.

DATE : 20.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.125 of 2022, registered with Chalisgaon Road Police Station, District – Dhule for the offences punishable under Section 302, 201, 34, 114, 212, 120-B of the Indian Penal Code.

3. It is reported by Bhikan Ali Sayyad that his cousin – deceased Javed Ali left home at 10.00 am on 20.05.2022 and did not return. It was informed that Javed Ali was found in injured condition. He was shifted to hospital and it was disclosed that co-accused Junaid, Tamim, Tausif, Shoaib assaulted him by iron rod and sticks. Later on he succumbed to the injuries. In pursuance of the crime, applicant was arrested on 07.04.2025. Supplementary statement is filed before his arrest. Chargesheet is filed on 29.04.2025.

4. Learned counsel for the applicant submits that his presence and role is not spelt out in the FIR and statement of Sajid Ali. His role came to light due to statement of Kunal, Vishal, Bharat and Rakesh. He cannot be said to be the main perpetrator. He is alleged to have assaulted by fists and blows. The account of eye witnesses is unreliable in the wake of injuries noticed during the course of post-mortem. Though 42 offences are registered against him, he is acquitted from 21 offences.

5. Per contra, Mrs. Diggikar would oppose the submissions on the basis of the statements of the eye witnesses – Kunal, Vishal, Bharat and Rakesh, which are consistent with the prosecution case. My attention is adverted to the injuries noted in the post-mortem report. Additionally, it is submitted that the applicant is not only a history-sheeter but he has tendency of absconding and in 9 cases, non bailable warrants have been issued against him. His release on bail is danger to the society.

6. FIR do not spell out applicant's name. Similar is the case with the statement of Sajid Ali and Irfan Ali. These statements specifically make out a case of assault as against three persons named therein. Admittedly, these three persons are released on Bail.

7. The statements of the eye witnesses Kunal, Vishal, Bharat and Rakesh disclose presence of the accused and deceased being assaulted by him by first and blows. The other accused persons are stated to have been armed with weapons and assaulted the deceased. Post-mortem report shows that inasmuch as 11 injuries, in column no. 17. The death is shown to have been caused by multiple injuries. The injuries noted in column no. 17, are not by sharp weapon and most of them are on non-vital part of the body. Considering the role attributed to the applicant and the co-accused, I am of the considered view that the applicant cannot be said to be responsible for the death of the deceased.

8. Apparently, applicant is a history-sheeter because 42 offences are registered against him. The possibility of the track record being culminated in his implication, cannot be ruled out. Investigation is over and further incarceration is

not required. It cannot be overlooked that he has tendency of absconding. It is fairly submitted by learned counsel for the applicant that in four offences, bail has been denied to him.

9. Hence, I pass the following order :-

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No. 125 of 2022, registered with Chalisgaon Road Police Station, District – Dhule for the offences punishable under Section 302, 201, 34, 114, 212, 120-B of the Indian Penal Code, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount.

(b) The release of the applicant shall not preclude the Police parties or the Investigating Officer, to take action against him as is permissible in law or to detain him in the matter / s, in which he is not released on bail.

(c) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(d) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(e) The applicant shall report the Investigating Officer on Sunday fortnightly between 10.00 am and 2.00 pm., till the conclusion of the trial.

(f) Applicant shall surrender his Adhaar / PAN Cards, if any, to the Investigating Officer.

(g) Applicant shall not leave Dhule District till the conclusion of the trial.

(h) Applicant shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-