



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 617 OF 2026

Abbas @ Abash s/o Ramjan Shaikh,
Age 43 years, Occ. Agriculture,
R/o. Dongargaon Tq. Mukhed, Dist.
Nanded.

... Applicant

VERSUS

The State of Maharashtra,
Through Police Station Naigaon,
Tq. Mukhed, Dist. Nanded.

... Respondent.

...
Advocate for Applicant : Mr. Chavan Sudhir K.
A.P.P. for Respondent/State : Mr. G.O. Wattamwar
Advocate for Assist to APP : Mr. Sandeep K. Shirse

CORAM : SHAILESH P. BRAHME, J.

DATE : 28.04.2026

PER COURT :

Leave is granted to correct the address of the applicant in title clause.

2. Heard both sides.

3. The applicant is seeking regular bail in connection with Crime No.203/2025, registered with Naigaon Police Station, District Nanded for the offences punishable under Sections 103(1), 238, 62 of Bharatiya Nyaya Sanhita, 2023.

4. It is reported by the father of the deceased Jishan that deceased was missing from 01.10.2025 since evening. He was found to be in the company of the applicant. It was reported by the villagers that he was lastly seen in the company of the applicant. His dead body was found, which was in half burnt condition and severely injured. The head of the deceased appeared to

have been smashed and knife was stuck up in the body. The applicant was arrested on 02.10.2025. The charge-sheet is filed on 19.12.2025.

5. The learned counsel for the applicant submits that there is no direct evidence or any incriminating material against his client. The last seen theory, which is tried to be made out by the statements of Yadula Salim and Mohammad Wajir, is unreliable. The statement of proprietor of Hotel Kailas shows that liquor was purchased from his shop by two persons. There is no recovery and the transcript of CCTV footage was not recorded. In the absence of any motive, it is arbitrary and unreasonable to detain the applicant behind the bars.

6. The learned A.P.P. submits that the motive is spelt out in the FIR itself. The victim was last seen in the company of the applicant, which is adequately established by the statement of witnesses Yadula Salim and Mohammad Wajir. The case of the prosecution is further fortified by the statement of Kailas and Sainath. The statement of Anwarbee, mother of the deceased would also corroborate the prosecution theory. Besides that the applicant had confessed before three different police personnel, which is also relevant.

7. Learned counsel for the informant additionally submits that there are in all three assaults, which can be seen from the postmortem report. The body is found to be half burnt. Relatives of the applicant are intimidating the witnesses. There are injuries seen on the vital part of the body. It is a case of brutal murder. The application is liable to be rejected.

8. In the first information report, it is stated that deceased Jishan had left the house on 01.10.2025 at about 6.30 p.m. and he had gone with the applicant. The motive is stated in the report was that the deceased was having evil eye on the wife of the applicant and there was quarrel between them on that count. It was reported that dead body of the deceased was found at Gadga.

9. There is no direct evidence available against the applicant to make out a theory of last seen together. The statements of Yadula Salim and Mohammad Wajir are recorded. I have gone through those statements. At this stage of the proceeding, the involvement and culpability of the applicant cannot be made out by theory of last seen together. It would be matter of trial. Heavy burden would be on the prosecution to provide the chain of circumstances to show involvement of the applicant in commission of the offence.

10. I have also gone through the statement of Kailas and Sainath, who are reported to have sold liquor to two persons on 01.10.2025 at 7 p.m. There is no material available on record to show that these two proprietors of the bar were knowing them personally. The CCTV footage is available but there is no transcript panchnama.

11. I have gone through postmortem report, which shows multiple injuries recorded in column no. 17 and 19. The contents of the stomach does not show any presence of the liquor. The prosecution has tried to come up with theory that the liquor was purchased by the applicant and the deceased and they had gone to remote place. There is no sign of the deceased having consumed the liquor.

12. No incriminating material is collected during the course of investigation to point out the motive. Whatever motive spelt out from the statement of mother Anwarbee and other witnesses appears to be scanty. It would be matter of trial to examine into the motive. The statements of the police personnel indicating confession is very weak piece of evidence.

13. There is no evidence on record to indicate that the applicant inflicted three blows on the person and after killing him burnt his body. Though injuries, as seen from the postmortem report indicate brutal attack, no material is available to connect the applicant to commission of the offence. No antecedents are reported against the applicant. In that view of the matter, I

find that the applicant deserves to be released on bail.

14. The Bail Application is allowed.

15. The applicant **Abbas @ Abash s/o Ramjan Shaikh** shall be released on bail in connection with Crime No.203/2025, registered with Naigaon Police Station, District Nanded for the offences punishable under Sections 103(1), 238, 62 of Bharatiya Nyaya Sanhita, 2023 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 applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

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

(d) The applicant shall stay away from village Dongargaon, till conclusion of the trial.

(e) The applicant shall surrender his Aadhar Card and PAN card, if any, to the investigating officer.

(SHAILESH P. BRAHME, J.)

mkd/-