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

BAIL APPLICATION NO.610 OF 2025

Shamshuddin Nijamuddin Khan

Age: 21 years, Occupation : Business,
R/o. Near Islami Bakery, Dargadayra Road,
Shahajinagar, Mukundnagar,
Ahilyanagar.

... Applicant

Versus

The State of Maharashtra
Through: Police Inspector,
Amhednabar Camp Police Station,
Ahmednagar.

... Respondent

WITH

CRIMINAL APPLICATION NO.1248 OF 2025 IN BA/610/2025

Nasibali Rustomali Khan,
Age: 25 years, Occ.: Labour,
R/o. H. No.23, near Islami Bakery,
Dargah Daira road, Shahajinagar,
Mukundnagar,
Tq. and Dist. Ahilyanabar

... Applicant
(Orig. Informant)

Versus

1. Shamshuddin Nijamuddin Khan
Age: Major, Occu.: Nil
R/o. Mukundnagar,
Tq. and Dist. Ahilyanagar.

2. The State of Maharashtra
Through Police Station
Ahmednagar Camp,
Dist. Ahmednagar.

... Respondents

.....

Mr. R.R. Karpe, Advocate h/f Mr. S.B. Kadu, Advocate for
Applicant

Mr. S.B. Narwade, APP for Respondent – State

Mr. T.R. Quadri, Advocate for Informant for assist to APP

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 22 APRIL 2025
PRONOUNCED ON : 23 APRIL 2025

PER COURT :-

1. Present application is for regular bail on account of arrest of applicant in Crime No.0791 of 2024, registered with Ahmednagar Camp Police Station, District Ahmednagar for offences punishable under Sections 103(1) of the Bhartiya Nyaya Sanhita (BNS).

2. Criminal Application No.1248 of 2025 is filed by the informant seeking permission to assist APP. For the reasons mentioned in the application, the applicant is permitted to assist APP. The application is accordingly disposed of.

3. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 30.11.2024, and he is behind the bars since then. It is submitted that, FIR is based on hearsay information. That, there are allegations of assaulting by way of scissors. However, according to learned counsel, there was no premeditation, intention or ill will against injured. He pointed out that, when they were chatting, on account of anger

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due to teasing and fun being made of each other, in rage of anger, applicant allegedly assaulted by scissors that too on the back portion. That, it was sudden occurrence. That, injured had returned home after the incident and was later taken to the Hospital in the night, and while undergoing treatment, he allegedly succumbed. That, now investigation is over. That, scissor is already effected. That, charge-sheet is already filed in March 2025, and as there are no immediate prospects of matter going for trial, learned counsel urges for grant of bail.

4. Learned APP as well as learned counsel for informant have both opposed on the ground that serious offence is committed. That, there is an eyewitness account as well as CCTV footage regarding the occurrence. They also opposed on the ground that there is possibility of misuse of liberty.

5. Heard. Perused the papers. FIR dated 30.11.2024 is at the instance of Nasibali Khan. He reported that on 29.11.2024, while he was returning from home, he received a phone call from his wife Sakinabano that, his brother Zishan had come home in injured condition. When informant asked his brother, he has allegedly told that his friends Rehan, Faijan and Shamsuddin (present applicant) were chatting at a medical store at 06:30 p.m. They were allegedly teasing each other. In that

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episode, Shamshuddin got angry for being teased and that he went and picked up scissor from the counter and back stabbed on Zishan, and therefore, he was taken to the Hospital, but while undergoing treatment, he succumbed.

6. Therefore, apparently, episode of assault seems to have taken place all of sudden when deceased was alongwith his friends including present applicant, and they were teasing each other and probably making fun of each other, present applicant allegedly got engaged suddenly, and he allegedly picked up scissor and allegedly stabbed deceased in the back. Cause of death is attributed to hemorrhagic shock due to perforation injury on right lung, due to stab injury over back, however, viscera preserved for chemical analysis.

7. *Prima facie*, occurrence does not seem to be premeditated or ill intention. Now, investigation is over and charge-sheet is filed in March 2025. What is further recovered or discovered is not reported and even future course of trial is uncertain. Therefore, as no purpose would be served by his further detention, apprehension of misuse of liberty can be taken care of by imposing stringent conditions. Resultantly, relief as prayed deserves to be granted. Hence the following order:

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ORDER

- (i) Application is allowed.
- (ii) Applicant be released on bail in connection with Crime No.0791 of 2024, registered with Ahmednagar Camp Police Station, District Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] he applicant shall not enter the vicinity where the informant and his family members reside, till conclusion of trial.
- [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane