



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

21 BAIL APPLICATION NO. 1397 OF 2025

1. ALIMKHAN AJIJKHAN PATHAN

2. KRUSHNA APPASAHEB AHER

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondent/State: Mr. P. P. Dawalkar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 04.08.2025

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are seeking bail as they were arrested on 23.06.2025 in connection with Crime No.0077/2025, dated 20.02.2025, registered with Pachod Police Station, District Aurangabad, for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190, 118(2), 118(1), 117(2), 115(2), 352, 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3] The present applicants have surrendered and stand arrested on 23.06.2025, after the anticipatory bail was withdrawn and they are in jail. The learned counsel

submits that there are cross-FIRs and both the parties have sustained grievous injuries. As regards the FIR registered by the applicant against the informant and others the co-accused therein are granted bail by the learned Sessions Court. As regards the present FIR is concerned co-accused are granted anticipatory bail by this court but bail has not been granted to the present applicants. The learned counsel submits that the incident as alleged in the FIR has not taken place rather there was fight between the 2 groups and that both the parties have sustained injuries. It is stated by the informant that the applicant and co-accused has assaulted the informant however in the cross-FIR registered injury certificate is produced by the prosecution in the said case it is seen that the informant has suffered grievous injury. He submits that the father of the applicant no.1 i.e. the informant therein and the other accused has suffered grievous injury at the hands of the informant and other co-accused in the cross case. The learned counsel also submits that the applicants are injured in the assault and their medical certificates are also produced by them which is part of the record of the connected FIR.

4] Considering these aspects of the matter i.e. the alleged assault may not be at the instance of the applicants alone and that the informant may also be involved in the assault and that the investigation has proceeded substantially and that as the accused in the cross Crime

No.0078/2025 are already granted bail, the applicants in the present Crime No.0077/2025 can also be granted bail.

5] In view of the above, the application is allowed in the following terms :

a] The applicants shall be released on bail in connection with Crime No.0077/2025, dated 20.02.2025, registered with Pachod Police Station, District Aurangabad, for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190, 118(2), 118(1), 117(2), 115(2), 352, 351(3) of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR bond of Rs.20,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicants, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and they shall attend each and every date, unless exempted by the trial Court.

d] The applicants shall not tamper with the evidence of the prosecution and they shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicants, upon being released on bail, shall place on record of the trial Court the details of their Contact Numbers and residential addresses with updates in case of any change.

6] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicants shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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