



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 BAIL APPLICATION NO. 2044 OF 2025

NOORKHAN PATHAN HUSEN KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr. S.B. Bhapkar
APP for the respondent – State : Ms. R.R. Tandale
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 22 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 620 of 2024 dated 18.07.2024 registered with Nanded Rural Police Station, District - Nanded for the offences punishable under section 103(1), 191(2), 191(3), 190, 351(3), 61(2) of the Bharatiya Nyaya Sanhita, 2023 and under section 4, 25, 27 of the Arms Act.

2. The complainant has lodged the FIR alleging that on 14.07.2024 at 4.00 am, when he was at house, Rehman Pathan, his brother Ajju Pathan, Gaus Pathan, Shaikh Rahim Shail Lal and Noorkhan Husain Khan Pathan arrived at his house with sword on account of previous quarrel with Shehbaj and they asked whether Shahbaj is at home and left after threatening to kill Shehbaj.

3. On 16.07.2024 at 11.00 pm, Shehbaj told complainant that he would return within 10 minutes. Following morning, it was reported that Shehbaj has been killed near Navin Mujampeth Zilla Parishad school and was found with multiple injuries.

4. Learned counsel for the applicant submits that there is no recovery of incriminating material at the instance of the applicant. As such, it is a case of over-implication. Investigation is complete and chargesheet is filed. The applicant is behind the bar since 18.07.2024. No recovery is to be made. There is no eye witness to the incident. He, therefore, prayed to release the applicant on bail.

5. Learned APP has opposed the application. Citing the gravity of the offence and involvement of the applicant. She expressed an apprehension that applicant might tamper with the prosecution witness, if released on bail.

6. Having considered the submissions and perusal of the record, including chargesheet, indicates that the witness, namely, Masrat, refers to only two persons and *prima facie*, there is no material on record to indicate complicity of the applicant in the alleged incident. In that view of the matter, *prima facie*, it appears to be a case of over-implication. From record, it appears that even test identification parade is also not conducted. No purpose would be served by continued incarceration of the applicant. In that view of the matter, case is made

out for grant of bail. The apprehension expressed by learned APP in relation to the tampering of the prosecution witness, can be adequately taken care of by putting stringent conditions.

7. The investigation is complete for all intent and purpose. Resultantly, chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution propose to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration of the applicant as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Resultantly, the following order is passed :-

ORDER

(I) Application is allowed.

(II) Applicant, Noorkhan Pathan Husen Khan Pathan, be released on regular bail upon furnishing P.R. bond in the sum of Rs.50,000/- (Fifty Thousand only) with one or two local solvent sureties in the like amount, in connection with Crime No. 620 of 2024 dated 18.07.2024 registered with Nanded Rural Police Station, District - Nanded for the offences punishable under section 103(1), 191(2),

191(3), 190, 351(3), 61(2) of the Bharatiya Nyaya Sanhita, 2023 and under section 4, 25, 27 of the Arms Act, on the following conditions :-

- (a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for in writing.
- (b) The applicant shall attend the trial Court every month between 11.00 am to 1.00 pm. to mark his presence.
- (c) The applicant shall not enter Nanded city, till the conclusion of the trial.
- (d) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted and will not take any unnecessary adjournment.
- (e) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (f) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (g) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (h) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

9. Needless to state that the observations rendered herein-
above are to the extent of consideration of the bail application and trial
Judge may not get influenced by these observations and shall consider
the case on the basis of evidence on record and in accordance with
law.

[SACHIN S. DESHMUKH]
JUDGE

arp/