

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2090 OF 2025

Akram Arshad Khan

....Applicant

VERSUS

The Stat Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. Rohit Patwardhan h/f. Mr. Suryawanshi
Sanket N.

APP for Respondents: Ms. R.R Tandale.

CORAM : MEHROZ K. PATHAN, J.

DATE : 24TH NOVEMBER, 2025.

P.C. :-

1. The applicant is seeking his release on regular bail in connection with Crime No.874 of 2025 registered at Kotwali Police Station, Dist. Ahilyanagar for the offences punishable under Sections 189(2), 190, 191(2), 118(1), 115 (2), 324 (2), 351(2), 351(3), 352 of BNS.

2. The prosecution case as revealed from the FIR is that on 29.9.2025, at about 9.30 a.m. when informant and his friend Akshay Gulve came at Takthi Darwaja, in front of Kotwali Police Station, Ahilyanagar for king key as the key of his motorcycle was misplaced. At that time, there were 60 to 70 people from Muslim Community gathered. 10 – 15 Muslim persons came towards him and all of a sudden, assaulted him by means of kick and blows without any reason, causing him injuries. Therefore, the informant lodged the report.

3. Learned counsel Shri Patwardhan submits that the applicant

is implicated in the present crime only subsequently, when the investigation report that the applicant was also present on the spot of the incident as was seen in the CCTV footage. He further submits that another co-accused against whom there are identical allegations is already released on bail by learned JMFC on 12-11-2025.

4. It is submitted that the applicant is also arrested on 29-9-2025 and there are no criminal antecedents of the applicant and that the applicant is ready to abide by any conditions that may be imposed by this court. Therefore the applicant may be released on bail.

5. As against this learned A.P.P. vehemently opposes the application and submits that the applicant is seen assaulting the complainant in the CCTV footage. On the basis of such identification the applicant was also arrested having played an important role in the assault carried out against the complainant. He further submits that the complainant has suffered injuries, however, as there was no hospitalization there is no injury certificate collected by the I.O. till now. He therefore submits that the offence being serious in nature, the applicant may not be released on bail.

6. I have gone through the case diary made available by the learned APP. It does not contain any medical injury certificate. Moreover the investigation appears to have been almost complete so far as the present application is concerned. I have also perused the order passed by the learned JMFC, Court no. 3, Ahilyanagar in the case of Shehabaj Mustak Kureshi who is also involved in the present crime 874 of 2025 and is alleged to have played a similar role. Even if the charge sheet is not filed, the evidence as against the applicant is already collected and the investigation is over. In my opinion therefore no fruitful purpose would be served by further detention of the applicant. The apprehension of the learned APP can be very well taken care of by imposing stringent

conditions. Hence the following order :-

O R D E R

[I] The application is allowed ;

[II] The applicant – Akram Arshan Khan, be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 50,000, each in connection with Crime No.874 of 2025 registered at Kotwali Police Station, Dist. Ahilyanagar for the offences punishable under Sections 189(2), 190, 191(2), 118(1), 115 (2), 324 (2), 351(2), 351(3), 352 of BNS., on the following conditions :-

[i] The applicant shall not tamper with the prosecution evidence; and shall not influence the witnesses.

[ii] The applicant shall attend the Kotwali police station district Ahmednagar every Monday till filing of the charge sheet and thereafter as and when called.

[iii] The applicant shall not enter the jurisdiction of Kotwali police station Ahmednagar district, except for attending the police Station, as directed above, till framing of the charge.

[MEHROZ K. PATHAN]
JUDGE.

grt/-