



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

907 BAIL APPLICATION NO. 946 OF 2025

Mohammad Rizwan Mohammad Zakir

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Syed G. R.

APP for Respondents-State: Mr. D. J. Patil

Advocate for Assist to APP : Mr. Majit Shaikh

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**WITH
CRIMINAL APPLICATION NO. 1963 OF 2025
IN BA/946/2025**

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 01, 2025.

PER COURT :-

1. Criminal Application No. 1963 of 2025, filed for assistance to the learned APP, is allowed and stands disposed of accordingly.
2. Heard learned counsel for the applicant, the learned APP for the respondent-State, and the learned counsel assisting the learned APP.
3. The applicant seeks bail in connection with FIR No. 27/2025, dated 20.01.2025, registered with Mondha Police Station, Parbhani, District Parbhani, for offences punishable under Sections 296, 352, 333, 351(2), 351(3), 115(2), 189(2), 191(2), 190, and 76 of the Bharatiya Nyaya Sanhita (BNS).
4. This Court, while deciding Anticipatory Bail Application No. 260 of 2025, dismissed the said application filed by the applicant and other co-accused. The facts of the case are noted in paragraph No. 4 of that order are

as under :-

"4. The case against the applicants is registered by the informant Mr. Tamboli Abdul Rahaman Abdul Rashid, who is serving in Government Hospital Parbhani as Assistant Professor. He has another house near Makka Masjid in Parbhani. The informant has reported that on 17.1.2025 at 4.30 p.m. when he had gone to his house at Parbhani, he saw that large crowd had gathered there and they stopped him from going inside the house. When he entered inside, his mother, father and brother were present in the house. Ex-corporator, (Khaja - applicant in ABA No. 275/2025) and other applicants were also present there. On being asked why people have gather there, his mother told him that the ex-corporator asked them to vacate the house in which they were residing as it belongs to Makka Masjid. Complainant informed to ex-corporator and other applicants that prior to five years the said land was purchased by the father of informant and it belongs to the family of informant. At that time Tajoddin Pathan (applicant in ABA No. 240/2025) has abused the informant and his mother (Dr. Rafat) in filthy language and pulled the mother of the informant by holding her hands and assaulted the informant on stomach, chest, ribs by fist and kick blows. Thereafter, Kaleem Boss (applicant in ABA No. 240/2025), Rizwan (applicant in ABA No. 260/2025), Abdul Majid and other 10 to 15 persons also assaulted informant and caused bleeding injuries on lips, nose and ear of the informant. As such, the offence is registered against the applicants."

5. Learned counsel for the applicant submits that the applicant was arrested on 29/04/2025 after dismissal of his anticipatory bail and that investigation is now complete. It is submitted that the applicant was present at the scene, and the allegations are that he assaulted the

informant with fists and kicks. The applicant has been in custody since 29/04/2025, and no further custodial interrogation is required. It is also submitted that the dispute, even as per the FIR, primarily arises between the Masjid Committee and the informant's family. It is further contended that the injuries were primarily caused by the other co-accused, and the applicant's role was limited.

6. Per contra, the learned APP and the learned counsel assisting the APP submit that video recordings and photographs clearly show the applicant present in the room where the informant was assaulted. Though the rib fractures suffered by the informant were caused by co-accused, the applicant actively participated in the assault and his role cannot be separated from the others.

7. The learned counsel assisting the APP also submits that the applicant and co-accused forcibly performed the marriage of Dr. Neha with the informant's brother, who is already married. On that basis, Sections 87 and 76 of the BNS were added, and it is submitted that Section 87 is a serious offence, warranting rejection of bail.

8. In response, learned counsel for the applicant submits that the applicant has no role in the alleged forced marriage. Even if the allegations are taken at face value, it is only Dr. Neha's statement, made eight days

after the incident, that raises a grievance regarding the marriage. It is further submitted that Dr. Neha's father stated before the trial court that it was a family event and the marriage was performed by family members. It is again emphasized that investigation is complete, trial will take substantial time, and further custody is unnecessary.

9. The learned APP submits that Dr. Neha is residing in a hospital owned by the informant, and not with her family. The learned APP further states that Dr. Neha has filed an affidavit before the Sessions Court indicating that she received threats on 25/01/2025, from some of the accused.

10. Investigation against the applicant appears to be complete, although it may still be pending against absconding co-accused, and that the applicant is in custody since 29/04/2025. The injuries were caused by the other accused, while the applicant is alleged to have pulled the informant's hair. As regards the alleged forceful marriage of Dr. Neha, the investigation is still pending against the other accused. She continues to reside with the informant's family in the hospital attached to the informant's house. The allegations will have to be established in the trial. Thus, this Court is inclined to grant bail. However, the learned counsel assisting the APP raised concerns that the applicant, if released, may pose a threat to the informant and family members.

11. The learned counsel for the applicant submits that the applicant will not enter or reside in District Parbhani, except for three days – one day prior to the trial date, the date of trial, and one day after, for the purpose of meeting his Advocate and attending the trial.

12. In view of the above, the application is allowed on the following terms : -

- a] The applicant shall be released on bail in connection with FIR No. 27/2025, dated 20.01.2025, registered with Mondha Police Station, Parbhani, for offences punishable under Sections 296, 352, 333, 351(2), 351(3), 115(2), 189(2), 191(2), 190, and 76 of BNS, on executing a PR bond of Rs.25,000/-, with one or two sureties in the like amount, to the satisfaction of the trial court.
- b] The applicant shall not contact the informant in any manner whatsoever during the pendency of the trial.
- c] The applicant shall cooperate with the trial court and attend each and every hearing unless exempted by the court.
- d] The applicant shall not tamper with evidence or influence the informant, witnesses, or any other person connected with the case.
- e] Upon release, the applicant shall furnish his contact number and residential address to the trial court and keep it updated in case of any change.
- f] The applicant shall not enter or visit District Parbhani,

except for one day before the Trial Court date, on the date of Trial, and one day after the trial court date.

13. Needless to state, in the event of violation of any of the above conditions, the bail granted shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the adjudication of this bail application. The trial court shall proceed independently, uninfluenced by any of the observations herein.

14. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.