

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Bail Application No.52 of 2025

Mohammad Isaq Mohammad Israil

Age: 30 yrs, Occ: Labour,

R/o Sr No.192/2, House No.5,

60 Feet Road, Nomani Nagar,

Tal Malegaon, Dist. Nashik.

(Presently in Nashik Central Prison) ... Applicant.

Vs.

The State of Maharashtra

Through Pawarwadi Police Station,

Malegaon, Dist. Nashik

... Respondent.

Mr MN Sandhyanshiv, for the applicant.

Mr Shahaji Shinde, Panel 'B' Counsel, a/w Mr SV Walve,
APP for the respondent/State.

Coram: R.N.Laddha, J.

Date: 8 October 2025.

P.C. :

By this application, the applicant seeks bail in connection with CR No.101 of 2024, registered at Pawarwadi Police Station, Nashik Rural, for offences punishable under Sections 307, 326, 324, 323, 504, 506 read with 34 of the Indian Penal Code (IPC).

2. It is the case of the prosecution that, on 17 May 2024, at approximately 08:30 hours, a verbal altercation ensued between the husband of the informant and the present applicant in connection with the applicant's motorcycle, which had allegedly been parked in front of the main entrance gate of the informant's residential premises, thereby obstructing ingress and egress. Subsequently, on the same day, at around 12:00 noon, while the informant's husband was present at his cycle stand, the applicant, in furtherance of a common intention and in active collusion with three co-accused persons, allegedly accosted the injured and assaulted him with an iron rod. The said assault was directed at the injured's head, resulting in grievous injuries that rendered him unconscious at the scene. The incident was brought to the knowledge of the informant by a friend of the injured, whereupon the informant immediately proceeded to the location of the occurrence. However, by the time she arrived, the injured had already been transported to Civil Hospital, Malegaon, for emergency medical treatment. Upon reaching the hospital and making inquiries, the informant was informed that her husband had sustained a severe head injury necessitating the administration of eighteen stitches. Owing to the

seriousness of the injury, the injured was thereafter referred to and shifted to General Hospital, Dhule, for further specialized treatment. Upon regaining consciousness, the injured disclosed to the informant that he had been assaulted by the present applicant along with three other individuals, whose identities were known to him. Based on this disclosure and the sequence of events narrated above, the present First Information Report (FIR) came to be registered on 18 May 2024.

3. The learned Counsel appearing on behalf of the applicant has strenuously urged that the applicant is innocent and has been falsely implicated in the present crime. He submits that the material relied upon by the prosecution is purely circumstantial and that the applicant has been named in the FIR solely on the basis of suspicion, arising from a minor altercation between the applicant and the injured earlier on the same day, pertaining to the parking of the applicant's motorcycle in front of the informant's residential gate. The learned Counsel further contends that the alleged incident occurred in a densely populated marketplace, yet the prosecution has failed to produce any independent eyewitnesses to substantiate its

version. It is further submitted that the injury sustained by the injured is the result of a solitary blow, and that a single blow, in the absence of any aggravating circumstances, is insufficient to attract the ingredients of the offence under Section 307 of IPC. The learned Counsel also points out that the FIR does not attribute any specific overt act to the applicant, and that the allegations therein are vague and general in nature.

4. The learned Counsel further submits that the applicant is entitled to be released on bail on the principle of parity, as the other co-accused persons named in the FIR, namely, Taufiq, Saddam, and Faijal, have already been granted bail by the Sessions Court. It is further submitted that the charge sheet has been filed, the investigation stands concluded, and there is no further recovery or discovery pending from the applicant. The learned Counsel emphasises that although the trial has commenced, the charges have not yet been framed, and the applicant has been languishing in jail since 14 October 2024. Furthermore, the prosecution proposes to examine sixteen witnesses and the trial will take its own time. In view of the anticipated delay in the conclusion of trial, the continued incarceration of the applicant is argued

to be unjustified and disproportionate.

5. The learned Counsel also submits that the applicant has no prior criminal antecedents and is a law-abiding citizen. He assures the Court that the applicant is willing to comply with any conditions that may be imposed, including the undertaking not to enter the jurisdictional limits of the Pawarwadi Police Station, thereby mitigating any apprehension of tampering with evidence or influencing witnesses.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/State has vehemently opposed the prayer for bail. He submits that the offence in question is grave and serious in nature, and that the applicant, in connivance with the co-accused, has perpetrated the act in a premeditated and deliberate manner, following the earlier dispute with the injured on the date of the incident. The learned APP further submits that the injury inflicted upon the injured is grievous, having necessitated 18 sutures to the head, and that such an injury is indicative of an intention to cause fatal harm. He argues that the nature and severity of the injury are consistent with an attempt to commit murder, and cannot be dismissed as a

mere single blow without intent. Additionally, the learned APP expresses serious apprehension that if released on bail, the applicant may tamper with the evidence or exert undue influence upon the witnesses.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. It appears that, notwithstanding the alleged incident having occurred in a public marketplace, the prosecution has not cited any independent eyewitnesses to corroborate its version. The injury sustained by the injured is attributable to a solitary blow, and there is no allegation of repeated or grievous assault. It further appears that the co-accused persons have already been enlarged on bail by the Sessions Court. The investigation in the present matter stands concluded, and the charge sheet has been duly filed before the competent Court. There is no assertion from the prosecution that any further recovery or discovery remains pending *qua* the applicant. The framing of the charges is yet to be undertaken, and the prosecution has proposed to examine as many as sixteen witnesses during the course of trial. Given the volume of witnesses, it is reasonably anticipated that the trial will take considerable time. The

applicant has been languishing in jail since 14 October 2024. It is also pertinent to note that the applicant does not have any prior criminal antecedents and has expressed his willingness to abide by any conditions that may be imposed by this Court, including the undertaking not to enter the jurisdictional limits of Pawarwadi Police Station during the pendency of the trial. The apprehensions expressed by the prosecution regarding the possibility of tampering with evidence or influencing witnesses can be addressed and mitigated by imposing appropriate conditions.

8. In view of the foregoing, this Court of the opinion that the applicant has made out a case for grant of bail. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.101 of 2024, registered at Pawarwadi Police Station, Nashik Rural, upon executing a PR Bond of Rs. 25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall not enter the jurisdiction of the Pawarwadi Police

Station, save and except for attending the trial proceedings.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iv) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

9. The application stands disposed of accordingly.

[R. N. Laddha, J.]