

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

Criminal Bail Application No. 1378 of 2025

Nadeem Khan Mubarak Khan @ Nadiya
Aged 28 years, Occupation : Business,
R/o. House No.218, Galli No.3,
Ayesha Nagar, Malegaon, Dist. Nashik. ... Applicant
versus

The State of Maharashtra
Through Malegaon City Police Station,
Malegaon, Dist. Nashik. ...Respondent

Ms Aisha Ansari, for the applicant.
Mr Arfan Sait, APP, for respondent / State.
API Thorat, Malegaon City Police Station.

Coram: R.N. Laddha, J.
Date: 1 December 2025

P.C.:

By this application, the applicant (accused No.8) seeks bail in connection with CR No.289 of 2024, registered at Malegaon City Police Station, Nashik, for offences punishable under Sections 109(1), 118(2), 189(2), 189(4), 190, 191(3), 351(3), 352 and 238 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 24 November 2024, holding grudges from a previous altercation, the applicant, along with the co-accused, formed an unlawful

assembly and launched an attack on the informant with the intention to kill him. During the assault, it is alleged that accused No.4 attacked the informant using a sharp-edged weapon, accused No.3 assaulted him with an iron rod, and they, along with all other accused, not only assaulted the informant using kicks and punches but also verbally abused him and issued threats.

3. Ms Aisha Ansari, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the present case. It is submitted that the allegations against the applicant are vague and bereft of detail. The applicant was not present at the spot. The use of the alleged weapon is not attributed to the applicant, and there is nothing to be recovered or discovered from the applicant. Highlighting that the co-accused have been released on bail, the learned Counsel argues that the principle of parity squarely applies to the applicant. Ms Ansari further submits that the applicant has been languishing in jail since 25 November 2024 and is ready and willing to abide by any conditions this Court imposes, including residing outside the territorial limits of Nashik district till the conclusion of the trial.

4. On the other hand, Mr Arfan Sait, the learned Additional

Public Prosecutor representing the respondent/ State, vehemently opposes the applicant's request for bail. He submits that the applicant, along with the co-accused, in a brazen act of violence, launched an attack on the informant and assaulted him using weapons, fists, and punches, in an attempt to take his life. The applicant has criminal antecedents, and there exists a possibility that he may tamper with the prosecution evidence or influence witnesses if granted bail.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. It appears that the role attributed to the applicant is limited to purportedly assaulting the informant using kicks and fist blows. Notably, the use of the alleged weapons are attributed to accused Nos.3 and 4, who have been released on bail. Furthermore, accused Nos.5, 6, and 7, who have been attributed a role similar to that of the applicant, have already been released on bail. A perusal of the injury certificate reveals that the injuries sustained by the informant are of a simple nature. The investigation has concluded, culminating in a charge sheet. The applicant has been languishing in jail since 25 November 2024; however, to date, the charges have not been framed. The prosecution proposes to examine as many as eighteen witnesses, and the trial is unlikely to conclude in the

near future. The prosecution's apprehensions about potential evidence tampering and witness influence can be addressed by imposing appropriate conditions. Moreover, the applicant is ready to abide by any conditions this Court imposes, including not entering the jurisdiction of Nashik district until the conclusion of the trial. In view of the foregoing circumstances, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.289 of 2024, registered at Malegaon City Police Station, Nashik, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iii) The applicant shall not enter the territorial limits of the Nashik district until the conclusion of the trial, save and except to attend trial proceedings before the jurisdictional Court.
- (iv) The applicant shall inform the

Inspector of the concerned Police Station about his residential and contact details and inform him of any subsequent changes forthwith.

(v) The applicant shall cooperate and regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]