

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2898 OF 2025

Shaikh Farhan Shaikh Ramzan ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms. Sana Raees Khan a/w Ms. Vidya Lahamate, Ms. Neha Balani and Mr. Sumit Sharma, learned Advocates for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 24th JULY 2025.

P.C. :

1. Heard Ms. Sana Raees Khan, learned Advocate for the Applicant and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 254 of 2024 registered with Malegaon City Police Station, Taluka-Malegaon, District-Nashik for the offences punishable under Sections 189(2), 191(2), 191(3), 190, 109, 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short), Section 4(25) of the Indian Arms Act, 1959, Sections 37(1)(3)/135 of the Maharashtra Police Act, 1951. Said crime is registered as Sessions Case No. 88 of 2025, pending on the file of

learned Additional Sessions Judge, Malegaon.

3. There are 7 accused persons in the present crime. Applicant is Accused No. 2.

4. Case of the prosecution is that 6-7 persons formed an unlawful assembly, being in possession of sword, knife and wooden log. Shaikh Mehmood Shaikh Mehboob @ Yakub Ganjawala (Accused No. 1) inflicted the blow of sword on Afsana Jahid Shaikh (victim), thereby causing bleeding injury, resulting in chopping off of three fingers of Afsana Shaikh. Remaining persons assaulted by wooden log.

5. Applicant was arrested on 3rd November 2024, since then he is in jail. Criminal Bail Application No. 66 of 2025 filed by the Applicant was rejected by the learned Additional Sessions Judge, Malegaon by order dated 24th January 2025.

6. Ms. Sana Raees Khan, learned Advocate for the Applicant submits that the allegations in the crime are essentially against Accused No. 1 against whom a specific role of assault is assigned. She submits that as per the statement of the prosecution witnesses, which includes the statement of Informant, the persons accompanying Accused No. 1, were masked. She submits that there are no allegations in the First Information Report against the Applicant of he having used or of carrying any dangerous weapon like knife or chopper. She submits that the co-accused Nos. 3 to 7 in the crime, have been released on bail by the learned Sessions Court.

7. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that the Applicant is named in the FIR. He submits that Afsana Shaikh has named the Applicant to be the person present at the time of assault. He submits that Mohammad Haroon Hasan Chaus, an eye witness has stated that the Applicant attempted to assault Afsana Shaikh by use of chopper and knife, however, the assault was avoided by Afsana Shaikh by pushing him. He submits that a dangerous weapon like chopper has been recovered at the instance of Applicant.

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Charge-sheet reveals that Afsana Shaikh (victim) has claimed that Accused No. 1 was accompanied with 6 persons, who were masked. She has stated that one of the persons in mask is the Applicant. Apart from that, she has not made any statement with regards to the Applicant having advanced on her or Applicant having assaulted her, either with the chopper or knife. Mohammad Haroon Hasan Chaus, who is said to be an eye witness, has stated that the Applicant armed with the chopper and knife advanced towards Afsana Shaikh and attempted to assault her with the said dangerous weapons, which Afsana Shaikh avoided by pushing the Applicant. There is inconsistency in the statements of Afsana Shaikh and the said eye witness. Afsana Shaikh does not support the statement made by Mohammad Haroon Hasan Chaus. Material on record, *prime facie* does not support the case of prosecution against the Applicant. Other accused persons, who were alleged to be present at the time of incident, are released on bail.

10. Considering the nature of allegations and the role assigned to Applicant, incarceration of the Applicant till conclusion of trial is not warranted. Applicant is therefore entitled for bail.

11. Mr. Sana Raees Khan, learned Advocate submits that in the event of indulgence being shown to the Applicant in the present Bail Application, then she has instructions from the Applicant to state that the Applicant will abide by all conditions that may be imposed by this Court and further that pending the conclusion of trial in Sessions Case No. 88 of 2025, the Applicant would not enter the territorial jurisdiction of District-Nashik, except for attending the hearing of the said case. Statement accepted.

12. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 254 of 2024 registered with Malegaon City Police Station, Taluka-Malegaon, District-Nashik for the offences punishable under Sections 189(2), 191(2), 191(3), 190, 109, 352, 351(2) and 351(3) of the BNS, Section 4(25) of the Indian Arms Act, 1959, Sections 37(1)(3)/135 of the Maharashtra Police Act, 1951 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Malegaon.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Malegaon City Police Station, Taluka-Malegaon, District-Nashik and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial in Sessions Case No. 88 of 2025 and shall attend the hearing before the Court of the Additional Sessions Judge, Malegaon on each and every date, unless exempted from appearance.
- f. Applicant shall report/attend before the Investigating Officer, Malegaon City Police Station, Taluka-Malegaon, District-Nashik on 1st Saturday of every month from 10.00 a.m. to 12.00 noon till framing of the charge by the learned Trial Court in the said case.
- g. Applicant shall not enter the territorial jurisdiction of District-Nashik, till conclusion of the trial of Sessions Case No. 88 of 2025, except for attending the hearing of the said case and for the purpose of reporting before

the Investigating Officer, Malegaon City Police Station,
Taluka-Malegaon, District-Nashik.

13. Criminal Bail Application No. 2898 of 2025 stands disposed
of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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