



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.43 OF 2025

(Fazil Beg s/o Akil Beg Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, Advocate for the applicant thr. V.C.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 31, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 20/12/2024 in connection with Crime No.322 of 2024 registered at police station Hiwarkhed, District Akola for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 190, 191(1), 191(2), 191(3) and 296 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by Rohit Anil Karale on an allegation that on 06/09/2024 he had sold a plot of land bearing Survey No.5 to Wasim Beg Mirza at Hiwarkhed. He had employed Raees Ikramoddin as labour to put soil on the road. At the relevant time, there was a dispute between him and the present applicant and other co-accused and during that he was assaulted by giving a blow by fist and kick blows as well as by knife. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned which is only to the extent of lifting the knife. In fact, no injuries sustained by the injured by means of knife. Now, material investigation is already completed. The injured is already discharged from the hospital. Further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that in furtherance of the common intention, the injured was assaulted by the present applicant and the other co-accused. The investigation is still in progress as charge-sheet is not filed. In view of that, application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers as well as the medical certificate from which it reveals that the injuries sustained by the injured are in the nature of contusions. As far as the allegation regarding the assault by knife, no grievous injuries are sustained by the injured. In fact, there is no allegation that blow was given by the said knife. Considering the role attributed to the present applicant and considering the fact that the maximum investigation is already carried out. Further incarceration of the applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Fazil Beg s/o Akil Beg in connection with Crime No.322 of 2024 registered at police station Hiwarkhed, District Akola for the offences punishable under Sections 109, 115(2), 118(1), 189(2), 190, 191(1), 191(2), 191(3) and 296 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall attend the proceedings before the Sessions Court regularly without seeking any exemption unless there are exceptional circumstances.

(v) The applicant shall not enter into the vicinity of village Hiwarkhed, Taluka Telhara, District Akola, till culmination of the trial.

(vi) The applicant shall not tamper the prosecution witnesses in any manner either physically or by way of electronic media and

shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*