



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.545 OF 2025

Izrar Khan Mukaddar Khan

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Patur,
District Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Maira Ateeb, Counsel for the applicant through video conferencing.
Mr. N. R. Rode, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/06/2025

1. The applicant came to be arrested on 13.04.2025 in connection with Crime No.113/2025 registered with Police Station Patur, District Akola for the offence punishable under Sections 103(1), 238(a) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by the son of the deceased on an allegation that there was a previous dispute between his father and the present applicant and other family members of the present applicant. There was a Pandhan road in between two agricultural fields, however, present applicant has restrained them from using the said road and, therefore, there used to be several verbal altercations. On the day of incident his father had been to the agricultural field and not

returned back, therefore, he went to see his father and his father was found in injured condition. The injured was immediately removed to the hospital, but he succumbed to the death. During the investigation, the name of the present applicant reveals and therefore he is arraigned as an accused. On the basis of the above allegations, the applicant is arraigned as an accused.

3. Heard learned Counsel for the applicant through video conferencing. She submitted that as far as the present applicant is concerned, except the previous enmity, there is no other material to connect the present applicant with the alleged offence. There is neither direct evidence nor circumstantial evidence. Mere previous enmity is not sufficient to implicate the present applicant with the alleged offence. The incriminating knife is also recovered from the other co-accused. Now the investigation is practically completed, further custodial interrogation of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that due to the previous enmity, the deceased was eliminated by the present applicant and the other co-accused. The incriminating weapon is also recovered at the instance of the co-accused. Considering the gravity of the offence, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that there is no dispute as to the fact that there was previous enmity between the present applicant and the informant and his family members on account of the agricultural land. It further reveals from the investigation papers that the present applicant has restrained the deceased and his family members from using the said land. On the day of incident, the father of the informant was found lying in an injured condition on the said Pandhan road and, therefore, the FIR was lodged on the suspicion. During the investigation, though Investigating Officer claims the involvement of the present applicant, but except the previous enmity there is no material to show the presence of the present applicant either on the spot of incident or there is no circumstantial evidence to show his involvement. Now the investigation is practically completed. As far as the further incarceration of the present applicant is concerned, which is not required. Considering the material which is collected during the investigation, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Izrar Khan Mukaddar Khan** shall be released on bail in connection with Crime No.113/2025 registered

with Police Station Patur, District Akola for the offence punishable under Sections 103(1), 238(a) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

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

(v) The applicant shall not enter into the vicinity of Patur, District Akola, till the culmination of trial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)