



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

**CRIMINAL APPLICATION (BA) NO.673 OF 2025**

Sheikh Mohsin @ Baba Tiger Sheikh Musa  
Vs.

State of Maharashtra, through Police Station Officer, Police Station Koradi,  
District Nagpur

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

Court's or Judge's orders

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Mr. M. N. Ali, Counsel for the applicant.  
Mr. Anant Ghogre, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 28/07/2025**

1. The present application is preferred by the applicant for grant of bail in connection with Crime No.441/2023 registered with Police Station Koradi, District Nagpur for the offence punishable under Sections 302, 364(A), 386, 182 read with Section 34 of the Indian Penal Code, the applicant came to be arrested on 19.06.2024.

2. The crime is registered on the basis of report lodged after the inquiry of accidental death. As per the information received on 29.11.2023 initially, accidental death / marg has been registered and for the same preliminary inquiry was initiated. On the basis of the statement of the co-accused, other witnesses and the material collected, it was found that the earlier version of accidental death was false and misleading. The co-accused informed the police

authority regarding the false incident on the railway track which caused the death of the deceased. During the investigation, it was revealed that the death of the deceased was not an accidental death, but a homicidal one and the co-accused has caused the death. On the basis of the said investigation and inquiry during the merg the first information report was lodged.

3. Heard learned Counsel for the applicant, who submitted that the present applicant is arrested merely on the ground that he was seen along with the co-accused prior to the incident. As far as the presence of the present applicant at the time of incident is concerned, there is no material to connect him with the alleged offence. He submitted that now the investigation is completed. He has invited my attention towards the various statements of the witnesses including one of the witness, who is the eye witness of the incident namely Ishwar. He submitted that the statement of the Ishwar also nowhere discloses the presence of the present applicant at the time of the incident. Thus, considering the nature of the evidence against him, he is not the person who caused the death of the deceased. Now the investigation is already completed, charge-sheet is already filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that considering the gravity

of the offence that the deceased was chased by the co-accused and thereafter caused his death. The co-accused has also sustained the injuries in the said incident. There was a conspiracy hatched by the present applicant and the other co-accused and in pursuance of the said conspiracy, the death of the deceased was caused. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that only allegation against the present applicant is that during the CCTV footage of the Hotel Red Rose Bar and Restaurant, the presence of the present applicant was seen along with the co-accused. Except the said piece of evidence, there is no other material, as far as the involvement of the present applicant in the alleged incident is concerned. On perusal of the various statements recorded during the investigation, especially the statements of the eye witnesses nowhere shows the presence of the present applicant at the spot of incident. Thus, the cause of the death of the deceased is concerned, the present applicant nowhere involved in that. As far as the conspiracy is concerned, admittedly, no direct evidence would be available to establish the conspiracy, but considering the fact that only the prosecution is relied upon CCTV footage wherein the present applicant was seen along with the co-accused prior to the incident. Thus, except that circumstance, there is no other material

to connect the present applicant. In view of that, the applicant has made out a case for grant of bail. Now investigation is completed and charge-sheet is also filed. Accordingly, I proceed to pass following order:

**ORDER**

- (i) The application is allowed.
- (ii) The applicant **Sheikh Mohsin @ Baba Tiger Sheikh Musa** shall be released on bail in connection with Crime No.441/2023 registered with Police Station Koradi, District Nagpur for the offence punishable under Sections 302, 364(A), 386, 182, read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned the Police Station twice in a month i.e. 1<sup>st</sup> and 15<sup>th</sup> of every month till culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**