



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

CRIMINAL APPLICATION(BA) NO. 1022 OF 2025

Shahezad Khan Noor Khan Vs. State of Maharashtra

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr.R.M.Daga, Counsel for the applicant.  
Mr.A.J.Gohokar, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 15/10/2025

1) The applicant is arrested in Crime No.286 of 2025 registered with Police Station Gadge Nagar, District Amravati for the offence punishable under Sections 103 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2) First informant has lodged the FIR on receiving the call about the death of his son. The father of the deceased has received the phone call from the employer of his son that he met with an accident and he called him in the hospital. Thereafter, again he asked him to go to Irvin hospital and there, he found that his son was lying dead when he asked about his death, the person who informed the father of the deceased has narrated that his step son has

assaulted the deceased with knife. In supplementary statement, after four days, he has mentioned the name of this applicant as he has taken him on motor cycle. He chased him on motor cycle and he helped his step son and therefore, the crime came to be registered.

3) Initially, in the First Information Report, the name of this applicant was not mentioned. The charge sheet is filed against this applicant. The learned counsel appearing for the applicant has stated that the offence under Section 103 will not be attracted against this applicant as the father of the accused has not mentioned initially the name of this applicant and who is the eye witness and the assault is not by this applicant. The role played by this applicant is only that recovery of the knife is at the instance of this applicant. The learned counsel for the applicant has pointed out from the charge-sheet that though one knife is used and there are four stabbed injuries, which are not on the vital part of the body. Two knives were recovered. The allegations made against this applicant does not attract the offence under Section 3(5) of the BNS,2023. There is no common intention as the role attributed by the eye witness to this applicant is of taking the deceased on his motor cycle. Therefore, at the most, offence under Section 238 of the BNS,2023, will be attracted. The applicant has relied on the judgment of the Hon'ble Apex Court in the case of Special Leave to Appeal

(Cri.) No.7176 of 2021 arising out of impugned final judgment and order dated 28.07.2021 in CRMM No. 8580 of 2021, passed by the High Court of Punjab and Haryana at Chandigarh (Abhishek Pal @ Anshu Pal Vs.The State of Haryana), wherein though the role is mentioned about supplying the arms, the said accused was released on bail by the Hon'ble Apex Court. He has also relied on the judgment of this Court, in the case of Criminal Application (BA) No.1105 of 2023 (Mahadeo Pralhad Dhattrak and anr. Vs. State of Maharashtra) and Criminal Application (BA) No.1104 of 2023 (Krushik @ Sopnu Gautam Bansode Vs. State of Maharashtra). In these two cases, though the name of these applicants is mentioned in the FIR, the applicants were released on bail. Considering the allegations made against this applicant, and as the investigation is completed, prayed to release the applicant on bail.

4) The learned APP has opposed the application and stated that from the charge-sheet itself, it appears that the witnesses have mentioned the name of this applicant immediately, the recovery of knife is at the hands of this applicant, one of the witness has stated that the applicant chased the deceased and thereafter, there was assault. Two to three witnesses are there. The involvement of this applicant is *prima facie* shown from the charge-sheet, therefore, it is not a fit case to release the applicant on bail.

5) Heard both the sides and perused the record.

6) It appears from the FIR that initially, the name of this applicant is not stated by the step father of the accused no.1. Thereafter, after four days, he has given the supplementary statement and the name of this applicant is mentioned. Though, the witnesses have stated about the name of this applicant, from the statement of the said witnesses, it appears that he is not the assailant. He has taken inured and the assailant on the motor cycle but there is no statement that this applicant has assaulted the deceased.

7) From the statements it is not the case of use of two knives. But there is recovery of two knives, at the instance of both the accused, which again creates doubt as the role is attributed to this applicant is of helping the assailant after the assault. Hence, the case is made out to release the applicant on bail. Accordingly, I pass the following order:

i) Criminal application is allowed.

ii) Applicant- Shahezad Khan Noor Khan be released on bail in Crime No.286 of 2025 registered with Police Station Gadge Nagar,

District Amravati for the offence punishable under Sections 103 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigation officer.

8. The Criminal Application stands **disposed of** accordingly.

9. Pending application/s if any, is/are stand/s disposed of.

**JUDGE**