



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

CRIMINAL APPLICATION (BA) NO. 1027/2025

Ejaz Khan Yunus Khan Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. Druv Sirpurkar, Advocate h/f. Mr. S. V. Sirpurkar, Advocate for
the Applicant.

Mr. U. R. Phasate, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 08/10/2025.

. Heard.

2. The applicant is arrested in Crime No.237/2025 registered at Police Station, Shivaji Nagar, District Buldhana for the offences punishable under Sections 109, 115(2) and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that the incident took place on 02.08.2025 at about 4.30 p.m. The dispute took place between the applicant and the first informant as the first informant had thrown some garbage in front of the applicant's house. It is alleged that the applicant first gave fist and blows and thereafter, another co-accused, who is the nephew of the applicant came there with knife and assaulted the husband of the complainant with knife. The role played by this applicant is that he was holding the hands of the injured and thereafter, the co-accused stabbed on his stomach. Thereafter, the report was lodged and the crime is registered.

4. The learned Counsel for the applicant has stated that there is dispute between both the family members. The First Information Report was lodged by this

applicant at the earlier point of time for the same incident, the offence under Section 118(1) of the Bharatiya Nyaya Sanhita, 2023 was registered. The applicants are released on bail. Thereafter, this offence is registered. The learned Counsel for the applicant has further stated that as the applicant is in jail, the family members of the first informant are harassing the family members of the applicant. One of the member tried to rape his sister. She has lodged the complaint. Other complaints are also there. The role played by this applicant is not of stabbing with the knife. In support of his argument, he has relied on the order of this Court in ***Criminal Application (ABA) No.587/2025 (Imran Khan Anwar Khan Vs. State of Maharashtra)***, wherein the role attributed to the applicant is that he hold the hands and other accused assaulted with knife, in said case this Court has released the accused on anticipatory bail. Hence, prayed to release the applicant on bail.

5. The learned A.P.P. opposed the application stating that there is quarrel between two neighbours. Subsequently, the First Information Report was lodged against the first informant, clearly shows that, if he is released on bail there is every possibility of commission of similar offence. The role attributed to this applicant is holding of hands of the injured. He restrained the injured to defend himself. The charge-sheet is not yet filed. The injured is having a severe injury on its vital part. Hence, prayed to reject the application.

6. Heard both the learned Counsel for the respective parties.

7. The First Information Report and counter First Information Report are filed on record. The applicant and the informant are neighbours and dispute is going on between both the families. Initially, the First Information Report is registered by this applicant against the first informant. The role played by this applicant is holding the hands of the injured and the nephew i.e. co-accused has assaulted with knife. As the injured is discharged and considering the complaints against each other, the case is made out to release the applicant on bail. Accordingly, I proceed to pass the following order :

- i] The criminal application is allowed.
- ii] The applicant shall be released on bail in connection with Crime No.237/2025 registered at Police Station, Shivaji Nagar, District Buldhana for the offences punishable under Sections 109, 115(2) and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, on furnishing P.R. Bond of Rs.25,000/- with one solvent 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 not enter into the vicinity of Khamgaon City.

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

The Criminal application is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)