



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1922 OF 2025

Albaksh Nabisab Pathan

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Ajinkya Reddy, Advocate for applicant
Mr. P.P. Dawalkar, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 7th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks regular bail in connection with Crime No.307/2024, registered with Udgir City Police Station, District Latur for the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that, on 21/11/2024 at 10.30, the informant Ayesha Gaus Pathan went to Komal Hospital as she was working as Sweeper there. In the evening at 7.24 p.m.,

her son Tamim Pathan contacted her on phone and informed that Albaksh and Jamir have killed her husband Gaus Noormohammad Pathan at Railway line. Accordingly, the informant went to that place, however, she did not find anything or anyone. Thereafter, the son of the informant again made phone call to her and informed that the husband of the informant has been beaten at the back side of Chaudhary Sweet Mart, in front of liquor shop of Waghmare.

3. Accordingly, the informant went at that place. She saw people had gathered there and her husband Gaus Noormohammad Pathan was lying on the ground in subconscious condition. Police were present at that place and were making inquiry. People gathered thereat were saying that the applicant Albaksh Pathan and Jamir have killed her husband. Police lifted Gaus Noormohammad Pathan to Civil Hospital. After some time, brother-in-law of the informant namely Khaja Noormohammad came and he informed that, at 2.30 on that day, quarrel took place between Gaus Noormohammad Pathan and applicant Albaksh and Jamir on the count of purchasing of mobile. At that time, the applicant Albaksh and Jamir assaulted Gaus Pathan by kicks and blows. After shifting Gaus Noormohammad Pathan at Civil Hospital, Udgir

the doctor declared him dead after examination.

4. Learned counsel for the applicant submits that, the applicant was trying to rescue the scuffle which was going on between the deceased Gaus and the accused Jamir, which is evident from the statement of witness namely Shivaji Bhasge, who is working as Waiter and who has stated about the role played by the present applicant as the applicant is falsely implicated

5. Per contra, learned A.P.P. opposed the application submitting that the applicant is involved in a serious offence of murder. There is sufficient material to show the complicity of the applicant. Hence, prayed to reject the application.

6. Having heard the respective counsel for both the sides and upon perusal of the record including Chargesheet indicates that, the informant had lodged the present F.I.R. on the basis of hearsay information regarding the murder of her husband. The statement of the witness namely Shivaji prima facie indicates that the present applicant was pacifying the scuffle that was taking place between the co-accused and the deceased. Thus, prima facie case is made out warranting the exercise of discretion in

favour of the applicant.

7. Nevertheless, the investigation is complete for all intents and purposes and considering the number of witnesses which the prosecution is likely to examine during the course of trial, the trial is unlikely to conclude within a reasonable period. Therefore, in my considered opinion, indefinite incarceration of the applicant is unjustified. Thus, the application warrants consideration, and accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Albaksh Nabisab Pathan be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.

- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-