



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

BAIL APPLICATION NO.1999 OF 2025

Ismail @ Israil Mehtab Bagwan ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. Santosh S. Patil, Advocate for applicant
Mrs. P.V. Diggikar, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 3rd FEBRUARY, 2026

PER COURT :

1. By this application, the applicant seeks release on regular bail in connection with Crime No.92/2025, registered with Jalkot Police Station, District Latur for the offences punishable under Sections 109, 109(1), 115(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, on 12/5/2025, there was trivial quarrel between the brother of the informant namely Madhav with Babahujur Shahabuddin Tamboli. At about 10.35 p.m.,

Babahujur made phone call to the informant and called him at Bus Stand. Therefore, the informant went in front of Bus Stand along with Chandrakant Sambhaji Dhulshette, Rameshwar Dhulshette and Kiran Waghmare. At that time, Babahujur, the present applicant and Abhijit Govind Mucchewad were present there. It alleged that, Babahujur manhandled the informant and abused him and saying that he will finish him, gave a blow of axe on his head. As the informant saved the said blow he sustained injury on left shoulder.

3. It is further alleged that the present applicant assaulted by Katti on the left hand elbow of the informant and caused injury to him. Further, the accused Abhijit assaulted the informant by road on his back and right leg and caused injury. The persons who had come along with the informant and one Sangameshwar Kokane and others rescued the informant. The above accused persons assaulted the informant by fists and kicks and threatened to kill him.

4. Learned counsel for the applicant submits that, the allegations made in the F.I.R. are afterthought and it is a case of over implication and prayed to allow the application.

5. Per contra, learned A.P.P. vehemently opposed the

application and submitted that, the offence committed by the applicant is serious in nature. Nevertheless, there are criminal antecedents as against the present applicant. As such, prayed to reject the application.

6. Having heard the respective counsel for both the sides and upon perusal of the record indicates that the only allegation levelled against the present applicant is that of having hit the informant on his head with a “Katti”, whereas the injury certificate indicates that the informant has suffered a simple injury on his left hand. Thus, considering the nature of injury, the application warrants consideration.

7. Furthermore, the applicant is behind the bars for almost six months. Considering the number of accused and witnesses which the prosecution seeks to examine, the trial is unlikely to conclude within a reasonable period. Hence, the further incarceration of the applicant as an undertrial prisoner is unwarranted.

8. Nevertheless, the investigation is complete for all intents and purposes. The apprehension of learned A.P.P. can be taken care of by imposing stringent conditions upon the applicant.

Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Ismail @ Israil Mehtab Bagwan 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 in any way.
 - (b) The applicant shall not enter in the vicinity of till conclusion of the trial.
 - (c) 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/-