



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

BAIL APPLICATION NO.2326 OF 2025

Muzamil Qureshi Rafiq Qureshi @ Muzamil
Rehman s/o Mohammad Rafiq Khatik ... **APPLICANT**

VERSUS

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

.....
Mr. Satej S. Jadhav, Advocate for applicant
Ms R.R. Tandale, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 13th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.0238/2025, registered with Cantonment (Chhavani) Police Station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 103(1), 110, 118(2), 352 of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, the statement of victim is recorded while under treatment at J.J. Plus Hospital Hospital,

Chhatrapati Sambhajinagar that, in the evening of 3/6/2025 he had come to J.J. Plus Hospital and stayed in the hospital at night and on 4/6/2025 at about 3.30 a.m. proceeded to Baba Petrol Pump walking and so as to further proceed to Waluj Pandharpur, boarded in an autorickshaw. The autorickshaw driver took him to an Iron Bridge. As the victim had covered his face by mask, the autorickshaw driver questioned reason to wear mask and inquired his name. The victim told his name as Jayram and told that as he is sick he has put mask. The autorickshaw driver took him in dark near Holy Cross School and abused him and stabbed him in his chest and stomach. As the victim was injured, he rushed from there and got admitted in J.J. Plus Hospital.

3. The applicant was arrested on 7/6/2025 and since then is behind the bar. Learned counsel for the applicant submits that, the investigation is complete and charge sheet is filed. The Autorickshaw and clothes of the applicant came to be seized, but no blood stains are found on the same. Even the applicant went to the Government Medical College & Hospital at Aurangabad and injuries were noted on the right side of chest, forearm, right hand and neck of the applicant. The investigating agency failed to bring on record the CCTV footage. The alleged incident has occurred

while protecting the applicant himself. The applicant is young person aged 23 years of age. As such, prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application, contending that the offence committed by the applicant is serious and the victim was assaulted by the applicant by taking him at an isolated place in dark and severely injured him. As such, prayed to reject the application.

5. Upon hearing learned counsel for the applicant and learned A.P.P. for the State, indicate that, prima facie, the alleged incident has taken place at the spur of moment and there is no premeditation on the part of the applicant. The ingredient of mens rea to constitute offence of murder is absent as there is no prima facie motive, premeditation or intent. Moreover, the record indicates that the applicant has also sustained notable injuries. Therefore, the possibility of self defence also cannot be ruled out. Apart from aforestated aspect, considering the age of the applicant, the application warrants consideration.

6. Nevertheless, the investigation is complete for all intents and purposes. Thus, the application warrants consideration.

Accordingly, the discretion deserves to be exercised in favour of the applicant. Hence the order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Muzamil Qureshi Rafiq Qureshi @ Muzamil Rehman s/o Mohammad Rafiq Khatik 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, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial Court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)