



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 BAIL APPLICATION NO. 2430 OF 2025 WITH
CRIMINAL APPLICATION NO. 39 OF 2026
IN BA/2430/2025

Sahebkha Yasinkha PathanApplicant

VERSUS

The State of MaharashtraRespondent

Mr. A. R. Borulkar, Advocate for Applicant.
Mr. B. B. Bhise, APP for the State.
Mr. Satej Jadhav, Advocate for the Informant.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 23rd JANUARY, 2026.

PER COURT :

1. Learned Advocate Mr. Satej Jadhav seeks permission to assist learned APP.
2. Permission granted. Criminal Application No. 39/2026 is allowed and stands disposed of.
3. Applicant seeks regular bail in connection with Crime No. 401/2025 registered with Pundlik Nagar Police Station, Chhatrapati Sambhajinagar City, Dist. Chhatrapati Sambhajinagar, for the offences punishable under Sections 109(1), 118(2), 189(2), 189(4), 119(1), 119(2), 61(2), 351(2), 352 of Bharatiya Nyaya Sanhita, 2023.

4. The case of prosecution is that on 26.09.2025 at about 6.17 pm when the informant was proceeding on his motorcycle, three persons came from behind on motorcycle and kicked the motorcycle. They assaulted the informant with kicks. At that time, four more persons accompanied them. One of them hit iron rod on his right leg. In the incident, informant sustained fracture injuries. In this backdrop, First Information Report came to be lodged.

5. Learned Counsel for the Applicant submits that this is a case of false implication. The First Information Report was lodged against unknown persons. The prosecution has not conducted Test Identification parade. The Applicant is arrested only on the ground of suspicion. Furthermore, co-accused are released on bail. It is further submitted that there is delay in registration of the report and nothing is to be recovered from the Applicant. Investigation in the crime is complete and charge-sheet is filed. Hence, prayed to enlarge the Applicant on bail.

6. Per contra, learned APP and learned Counsel for the informant vehemently opposed the application submitting that the Applicant is involved in a serious crime and his complicity is apparent. Hence, prayed to reject the application.

7. Upon hearing learned Counsel for both sides and on perusal of the material on record, including charge-sheet, it is evident that the First Information Report is registered against unknown persons. Moreover, there is delay in lodging of First Information Report. The prosecution has not conducted Test Identification parade. In absence of Test Identification parade, further incarceration of the Applicant is unjustified.

8. Nevertheless investigation in the crime is complete for all intent and purpose. Charge-sheet is also filed. Thus, no fruitful purpose would be served by keeping the applicants behind the bars. I am inclined to exercise discretion in favour of the Application.

9. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Sahebkhya Yasinkha Pathan, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 401/2025 registered with Pundlik Nagar Police Station, Chhatrapati Sambhajnagar City, Dist. Chhatrapati Sambhajnagar, for the offences punishable under Sections 109(1), 118(2),

189(2), 189(4), 119(1), 119(2), 61(2), 351(2), 352 of Bharatiya Nyaya Sanhita, 2023., on the following conditions :-

- (a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
- (c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant and two of the near relatives.
- (d) In case of breach of any of the conditions by the Applicant, it is open for the prosecution to move this Court seeking cancellation of bail.

(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.)