IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

960 BAIL APPLICATION NO. 2502 OF 2025

Asadkhan Mustafakhan Pathan ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr. Shaikh Ashraf Patel, Advocate for Applicant.
Mr. G. O. Wattamwar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 21st JANUARY, 2026.

PER COURT :

1. Applicants seeks regular bail in connection with Crime No. 263/2025 registered with Dhrashiv Police Station City Police Station, Dist. Dharashiv, for the offences punishable under Sections 318(4), 316(5), 338, 336(3), 340(2),3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution is that the informant is the Vice President of Human Health Care Resources Charitable Trust, Dharashiv. The present Applicant is the President of the said trust, who had allegedly opened an unauthorised account of the said trust by fabricating documents in respect of the trust and subsequently carried out certain deposits in the said account with the help of co-

accused. Eventually, the said fact was discovered by the Manager of the bank, who enquired about the same with the informant. Subsequently, the First Information Report came to be registered.

3. Learned counsel for Applicant submits that the Applicant is falsely implicated in the offence. There is an unexplained delay of almost two months in lodging First Information Report. The co-accused is released on bail by this Court. The accounts are seized and nothing is to be recovered from the Applicant. It is also submitted that accused No. 2 is enlarged by this Court on anticipatory bail. Hence, prayed to allow the application.

4. Learned APP vehemently opposed the Application submitting that the offence is of serious nature and the Applicant being a President of the Trust has committed forgery thereby mis-appropriating the amount. An apprehension is also expressed that if the Applicant is enlarged on bail he may tamper with prosecution evidence. Hence, prayed to reject the application.

5. Considering the submissions of both sides and on perusal of the record, including charge-sheet, indicates that primary allegation

levelled against the present Applicant is that of creating an unauthorised account in the name of the Trust by fabricating certain documents. Moreover, the disputed account is already freezed by the investigating agency and the recovery is carried out.

6. Considering the aforesaid circumstances coupled with the fact that the co-accused, who had allegedly deposited the said amount in the bank, is enlarged on bail by this Court, while allowing anticipatory bail application, further incarceration of the present Applicant is unjustified. As far as the aspect of forgery and other offences is concerned, the same are the aspects of the trial. The apprehension expressed by the learned APP can be taken care of by imposing stringent conditions.

7. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) Applicant Asadkhan Mustafakhan 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 318(4), 316(5)amount, in connection with Crime No. 263/2025 registered with Dhrashiv Police Station City Police Station, Dist. Dharashiv, for the offences punishable under Sections 318(4), 316(5), 338, 336(3),

340(2), 3(5) of the 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.)

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