



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2567 OF 2025

NAJEEB AHEMAD KHAN MAJID KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Ganesh J. Kore
APP for Respondents-State : Mr. G. O. Wattamwar
Advocate for Respondent No. 2 : Mr. R. M. Gaikwad

CORAM : SACHIN S. DESHMUKH, J.

Date : 29th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 07.12.2025 bearing Crime No. 743 of 2025 registered with Nanalpeth Police Station, Dist. Parbhani for the offences punishable under Sections 109(1), 118(2), 115(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution, on 06.12.2025, the police recorded a statement from the informant Abdul Rahim Abdul Latif Shaikh, while he was undergoing medical treatment. Based on same, the authorities registered the aforementioned crime against the accused, the relatives of informant's and immediate neighbours.

3. The case of the prosecution is that the incident originated on 05.12.2022 at approximately 07:00 p.m., when the informant's sons Yunus and Mohammed, visited "R.R. Tailor" in Janta Market. Upon returning home, they informed their father that the accused, Najeeb Khan Majid Khan, had insulted them, branding the family as quarrelsome. In response, the informant and Yunus went to the "R.K. Tailoring Material Shop" at 07:30 p.m. to confront Majid Khan regarding the insult.

4. It is alleged that the confrontation escalated into a physical assault where Majid Khan initially beat the informant with his hands. Subsequently, Najeeb Khan used a pair of scissors to inflict an injury near the informant's right eye while extending death threats. The assault continued as Majid Khan struck the informant's forehead and the back of his head with a hammer, followed by Haseeb Khan, who used scissors to wound the informant's left ear.

5. The learned counsel for the applicant submits that the allegation against the present applicant, Najeeb Khan, is of inflicting an injury near the informant's right eye using scissors. The incident arose from a sudden quarrel and a verbal altercation regarding insults to the informant's sons indicates a lack of

premeditation. Furthermore, the investigation is now complete and the charge-sheet has been filed. Further incarceration of the applicant is unjustified. Hence, it is prayed that the application be allowed.

6. The learned APP and the learned counsel assisting PP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offence being repeated. Accordingly, it was prayed that the application be rejected.

7. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it is prima facie evident that the accused Najeeb Khan, allegedly used a pair of scissors, a common tailoring tool present at the scene. However, there is inconsistency in the version of witnesses in relation to use of scissors or hammer. The act occurred in the spur of the moment during a family dispute.

8. Apart from the aforesaid aspect, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is

filed. Having regard to the number of the witnesses, which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

9. As such, further incarceration of the applicant as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justified. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

10. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

11. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Najeeb Ahemad Khan Majid Khan be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 743 of 2025 registered with Nanalpeth Police Station,

Dist. Parbhani for the offences punishable under Sections 109(1), 118(2), 115(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) Breach of any of the conditions by the applicants would entail the cancellation of the bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)