



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 225 OF 2026

CHAND ISMAIL PATHAN
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Rajendra G. Hange
APP for Respondent-State : Ms. R. R. Tandale
Advocate for Applicant (Cri.Appln.) : Mr. Prakash Pranjape (Assit to PP)

WITH
CRIMINAL APPLICATION NO. 609 OF 2026
IN BA/225/2026

CORAM : SACHIN S. DESHMUKH, J.
Date : 18th February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 18.04.2025 bearing Crime No. 249 of 2025 registered with Georai Police Station, Dist. Beed for the offences punishable under Sections 118(2), 333, 189(2), 191(2), 191(3), 190, 191, 351(2), 351(3), 351, 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case is that the informant Shaikh Babu Shaikh Rasool lodged the FIR on 18.04.2025. It is alleged that the

incident occurred on 16.04.2024 between 10.00 pm and 10.30 pm while the informant, his wife and his son Taleb were present at their residence. The dispute originated when a neighbour Chand Ismail Pathan began verbally abusing the informant in relation to the outstanding debt regarding the price of animal fodder. Despite the informant's request to cease the abuse, several individuals namely Ismail Madar Pathan, Moosa Madar Pathan, Siddik Muoosa Pathan, Farooq Moosa Pathan, Manna Siddik Pathan, Faimuda Ismail Pathan, Samina Ismail Pathan, and Surraya Ismail Pathan, forcibly entered the informant's house. During the trespass, Chand Pathan assaulted the informant with an iron weapon, which caused a grievous bleeding injury to his ear. Simultaneously, Ismail Pathan, Moosa Pathan, Siddik Pathan, and Farooq Pathan used sticks to assault the informant's son Taleb.

3. It is further alleged that Manna Pathan, Faimuda Pathan and Samina Pathan targeted the informant's wife, assaulting with sticks. In the midst of the scuffle, the informant's wife lost gold mangalsutra and her mobile phone. Following these events, the FIR was registered.

4. The learned counsel for the applicants submits that it is

a case of over implication. The prosecution's narrative lacks consistency and is unsupported by any corroborative physical evidence. While the informant alleges a grievous injury caused by an iron weapon, the medical records reflect that the injured has already been discharged from the hospital. The investigation is complete and the charge-sheet has been filed. As such, further incarceration of the applicant is unjustified. Hence, the counsel prayed to allow the application.

5. Per contra, the learned APP and the learned counsel for original informant have opposed the applicant submitting that these accused persons forming unlawful assembly have facilitated applicant to inflict serious injury. It is further submitted that the crime is of a serious nature and that there is sufficient material on record indicating the complicity of the applicant. It is contended that if the applicant is enlarged on bail, there is every possibility of them tampering with the prosecution evidence. Accordingly, prayed for the rejection of the application.

6. Considering the submissions of both sides and having perused the material on record, including the charge-sheet, it is evident that the primary foundation of the prosecution case is a

dispute arising from a commercial transaction involving the sale of animal fodder. Considering the nature of the disagreement over outstanding dues. As such, prima facie, it appears to be a case of over-implication.

7. Regarding the nature of the injuries, while the prosecution has invoked charges of "grievous hurt" involving an iron weapon, the medical status of the victim must be considered. The injured has already been discharged from the hospital.

8. Moreover, all co-accused, who were attributed with similar roles, have already been enlarged on pre-arrest bail either by this Court or Sessions Court. Under the principle of parity, where the roles attributed to the accused persons are essentially similar or arise from the same transaction, there should be consistency in the court's approach to granting bail.

9. Nevertheless, the investigation is almost complete. The arrest of the applicant is effected on 31.12.2025 and since then, the applicant is in jail. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore,

persuaded to exercise the discretion in favor of the applicant. The apprehension expressed by the learned APP and the learned counsel for informant about tampering with the prosecution evidence, can be adequately taken care of by imposing stringent conditions.

10. Hence, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Chand Ismail Pathan 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 connection with Crime No. 249 of 2025 registered with Georai Police Station, Dist. Beed for the offences punishable under Sections 118(2), 333, 189(2), 191(2), 191(3), 190, 191, 351(2), 351(3), 351, 352 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.
 - (a) The applicant shall attend the concerned Police Station on every Monday from 11.00 am to 2.00 pm till filing of the charge-sheet.
 - (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 Cards to the Investigation Officer and detailed addresses

and phone numbers of applicant and two of the near relatives.

- (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.
- (IV) Resultantly, pending criminal application also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi