



(This order is modified and uploaded vide speaking to the minutes order dated 27.02.2026)

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

75 BAIL APPLICATION NO. 67 OF 2026 WITH  
CRIMINAL APPLICATION NO. 455 OF 2026  
IN BA/67/2026

1. Ilyas Kha Ahemad Kha Pathan
2. Raziya Begum w/o Ilyas Kha Pathan ....Applicants

VERSUS

The State of Maharashtra .....Respondent

Mr. M. S. Deshmukh, Advocate for Applicants  
Mr. A. R. Kale, Addl. GP for the State.  
Mr. S. J. Salunke, Advocate for the informant.

**CORAM : SACHIN S. DESHMUKH, J.**  
DATE : 9<sup>th</sup> FEBRUARY, 2026.

PER COURT :

1. Learned Counsel Mr. Salunke seeks permission to assist learned APP.
2. Permission granted. Criminal Application No. 455/2026 stands allowed.
3. Applicants have preferred this application seeking regular bail in connection with Crime No. 314/2025 registered with Paithan

Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 103, 61(2), 238, 108, 80, 85, 115 of the Bharatiya Nyaya Sanhita, 2023.

4. The case of prosecution is that the deceased/sister of the informant got married with co-accused Siddiq Pathan in the year 2017. Applicants along with co-accused used to demand amount of Rs. 11,00,000/- from her parents and on that count used to ill-treat and harass her. It is further alleged that in the month of April 2023, the Applicants along with co-accused assaulted the deceased and left her to her parental house. After a period of six months, the deceased resumed cohabitation with her husband.

5. It is further alleged that on 05.09.2025 at about 9.30 am, relative of the informant called his father and informed that the deceased has committed suicide by hanging. Thereafter, the informant along with his parents and other relatives visited the spot and lodged First Information Report.

6. Learned Counsel for the Applicants submits that this is a case of over-implication. No specific role is attributed against the

Applicants. There is material contradiction in the statement of witness Sidra Pathan, who is admittedly a minor girl aged 3 years. There are no criminal antecedents against the Applicants. The Applicants are behind the bar since 05.09.2025. Investigation in the crime is complete. As such, further incarceration of the Applicants is not warranted. Hence, prayed to allow the application.

7. Per contra, learned APP and learned Counsel for the informant have vehemently opposed the application submitting that the Applicant is involved in serious crime. The sister of the informant has lost her life in the incident. Involvement of the Applicants is evident from the fact that the incident has occurred in the dwelling house of the Applicants. Unlike, accused Nos. 1, 2 and 5, the present **Applicants are equally responsible for the act of murder committed of the deceased.** An apprehension is also expressed that if the Applicants are enlarged on bail, there is every possibility of tampering with the prosecution evidence. Hence, prayed to reject the application.

8. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it is evident that no specific role is

attributed against the present Applicants. There is no incriminating material against the present Applicants, except the sweeping allegation. Considering the age of applicant and applicant No. 2 being lady, is entitled for special consideration under Section 480 of the BNSS.

9. Investigation in the crime is complete for all purpose and intent. Resultantly, charge-sheet is filed. Equally, in absence of specific role assigned to applicants coupled with the fact that they are under detention since 05.09.2025, their further incarceration is not warranted. The apprehension expressed by learned APP can be adequately taken care by imposing stringent conditions upon the Applicant.

10. Hence, the following order :-

**ORDER**

- (i) Application is allowed.
- (ii) Applicants Ilyas Kha Ahemad Kha Pathan and Raziya Begum w/o Ilyas Kha Pathan be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) each with one or two local solvent sureties, in the like amount, in connection with Crime No. 314/2025 registered with Paithan Police Station, Dist. Chhatrapati

Sambhajinagar for the offences punishable under Sections 103, 61(2), 238, 108, 80, 85, 115 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The Applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
- (b) The Applicants 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 Applicants 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 Applicants, 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.)