



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 BAIL APPLICATION NO. 598 OF 2026

AJAHAR ABDUL RAHEMAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA

WITH
CRIMINAL APPLICATION NO.1367 OF 2026
IN BAIL APPLICATION NO.598 OF 2026

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Advocate for Applicant : Mr. Shaikh Aadil Ajimoddin.
Addl. PP for Respondent/s-State : Mr. A. R. Kale.
Advocate for Applicant to assist APP : Mr. Sayyed Umair Pasha
A. Quader.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 17.04.2026

PER COURT :-

1. Heard both sides.
2. The applicant is seeking bail in respect of offence bearing Crime No.502 of 2025, registered with Ambajogai City Police Station, District Beed, for the offence punishable under Sections 109 of Bharatiya Nyaya Sanhita.
3. He is behind bar since 13.10.2025. Charge-sheet is filed on 05.01.2026.
4. It is reported that informant is an auto rickshaw driver and had carried the applicant from Ambajogai to Parbhani for

fetching his wife. The fair was fixed at Rs.2000/- and out of that Rs.500/- was paid in advance. After returning to Ambajogai, on 07.10.2025 informant is alleged to have demanded the balance which is denied by the applicant. Applicant is alleged to have assaulted by blunt side of the axe on thigh and legs of the informant for having demanded the balance fair. He was hospitalized for considerable period.

5. Learned counsel for the applicant submits that there is no independent material to connect the applicant to the crime. The transcript panchnama of CCTV footage does not corroborate the prosecution case. There is no *mens rea*. It was a sudden quarrel between them. The witnesses whose statements are recorded are interested and blood relatives of the informant. The Medical Certificate only shows three injuries and does not correspond the allegations.

6. Learned APP submits that there is clinching material on record to disclose motive. The weapon used by the applicant shows that intention was to eliminate the informant but he could be survived. The informant is brutally assaulted. There is independent witness Azeem, who also supports the prosecution theory. It is vehemently contended that there are

as many as 15 offences registered against the applicant and he has tendency of absconding also.

7. I have considered rival submissions of the parties. The motive can be gathered from the First Information Report. As the balance amount of fair was demanded, applicant started assaulting the informant. The injury certificate support prosecution theory of having inflicted three grievous injuries on the left thigh. The criminal antecedents against the applicant are also apparent.

8. The material placed on record does not show that there was any criminal intention to eliminate the informant. He was hospitalized for about 7 days and thereafter discharged. The criminal antecedents cannot be the sole ground to deny bail. Reliance can be placed on the judgment of ***Prabhakar Tewari Vs. State of Uttar Pradesh and another in Criminal Appeal Nos.152 of 2020.***

9. Learned counsel for the applicant has voluntarily made a statement on instructions that his client is ready to show his bonafides by depositing Rs.40,000/- before the Trial Court. He has no objection to disburse amount to victim. I am of the considered view that there is sufficient incarceration and further detention is unwarranted. If the applicant is voluntarily

depositing amount of Rs.40,000/- within stipulated period, that would be one of the safeguards for releasing him on bail besides other conditions. I, therefore, pass following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AJAHAR ABDUL RAHEMAN PATHAN** shall be released on bail in Crime No.502 of 2025, registered with Ambajogai City Police Station, District Beed, for the offence punishable under Sections 109 of Bharatiya Nyaya Sanhita on furnishing P. R. bond of Rs.30,000/- (Rupees thirty thousands only) with one solvent surety of like amount on the following conditions :
 - (a) Applicant shall deposit amount of Rs.40,000/- before the Additional Sessions Judge, Ambejogai in Sessions Case No.6 of 2026 by 28.04.2026. The default in complying the order shall result into revival of present order of enlargement on bail without there being any reference to the Court.
 - (b) If the amount is deposited by the applicant, the same shall be disbursed to the informant/victim by the concerned Court.

- (c) Applicant shall co-operate for expeditious disposal of the trial.
 - (d) Applicant shall stay away from Ambajogai Taluka till conclusion of the trial and shall report his whereabouts and contact numbers to the Investigating Officer, save and except attending dates of the trial.
- (iii) Bail application is disposed of accordingly.
 - (iv) Criminal application to assist APP is allowed.

(SHAILESH P. BRAHME, J.)

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vmk/-