IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 994 OF 2026

Rizwan Raisuddin Kazi ... Applicant
V/s.
State of Maharashtra ... Respondent

Mr. Akshay Bankapur, for the Applicant
Mr. Amit Munde, APP for the Respondent - State.

CORAM : MILIND N. JADHAV, J.

DATED : OCTOBER 13, 2026

P.C.:

1. Heard Mr. Akshay Bankapur, learned Advocate for Applicant and Mr. Amit Munde, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.01 of 2025 registered with Mumbai Naka Police Station, Nashik for offences punishable under Sections 103(1), 140(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

3. The Applicant is arrayed as accused No. 4 in the present crime, along with three other accused persons and is charged with committing the murder of the victim, who happens to be a common friend of all the accused persons. The case of the prosecution with regard to the commission of the offence is that the four accused persons, along with

the victim, had travelled on one motorcycle late in the night on 31 December 2024, for celebration, which is prima facie, on the face of the record, unfathomable.

4. Be that as it may, insofar as the nexus of the present Applicant with he having remained present or having accompanied the other accused persons and the victim is concerned, the evidence of the prosecution is circumstantial. Insofar as the other accused persons are concerned, according to the prosecution case, they had travelled together on the motorcycle and, therefore, the last-seen theory is invoked by the prosecution. Incidentally, one of the accused persons, namely, accused No. 2, has been enlarged on bail by the Trial Court.

5. The last-seen theory propounded by the prosecution is based on the eyewitness account of the complainant, who claims to have seen the accused persons and the victim riding together on the motorcycle at 9:30 p.m., whereas it is prima facie brought on record that the complainant's office working hours were from 5:00 p.m. to 10:00 p.m.

6. The Applicant is in custody for more than one year and ten months, and the prosecution case is based on circumstantial evidence only. The role of the Applicant is argued to be similar to that of accused No. 2, in respect of not being present, therefore, in view of the aforesaid prima facie observations, notwithstanding the submissions made by Mr.

Amit Munde for indicting the Applicant, I am inclined to consider the case of the Applicant for bail.

7. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No.01 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such

conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

6. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and

strictly on its own merits being uninfluenced with any of the prima facie observations made hereinabove in this order.

7. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]