Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2559 OF 2026

Ziyan Firoz Khan .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Ms. Misbaah Solkar a/w Affan Azmi, Advocates for Applicant.
- Mr. Amit Palkar, APP for Respondent.

SHARADA RANGNATH WAHULE

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026

P.C.:

1. Heard Ms. Solkar, learned Advocate for Applicant and Mr. Palkar, 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.259 of 2025 registered with Khadak Police Station for offences punishable under Sections 109, 118(2), 111(2)(b), 311, 308(2), 61(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, under Section 4, 25 of the Arms Act, under Section 7 of the Criminal Law Amendment Act, under Section 37(1), 37(3) and 135 of the Maharashtra Police Act, Sections 3(1)(ii), 3(2), 3(4) of the MCOC Act.

3. The Applicant was arrested on 14/05/2025 and has been in custody for approximately one year and four months. The investigation

is complete, and the charge-sheet has been filed.

4. There are four accused persons in the present crime. Accused Nos. 1 and 2 are the brothers of the Applicant, who is arraigned as Accused No. 3. Accused No. 2 is alleged to have acted in furtherance of the prosecution case.

5. The prosecution case, as reflected in the complaint, a copy of which is annexed at page 57, is that the complainant's son, Rehan, was a good friend of the Applicant, Ziyan, and that this friendship was not approved of by the complainant's family members. The family members had, therefore, asked Rehan to refrain from meeting the Applicant, which led to an exchange of words between the family members.

6. It is alleged that, arising out of the said dispute and the differences between the two families, the Applicant assaulted the complainant's son. The prosecution further alleges that Accused No. 1, Firoz, inflicted a blow on the injured victim's head with a weapon described in the prosecution case as a *scythe*, thereby causing a head injury.

7. The Applicant has two minor children and is working as a delivery boy. Considering the role attributed to the Applicant, the nature of the allegations, and the fact that the dispute appears, prima facie, to have arisen out of differences between the two families

regarding the friendship between the Applicant and Rehan, I am inclined to consider the Applicant's case favourably.

8. In view of the above circumstances, the Applicant deserves to be enlarged on bail. Accordingly, the Applicant is allowed to be released on bail, subject to the terms and conditions imposed by this Court.

9. 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.259 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen 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.

10. 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.

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

[MILIND N. JADHAV, J.]