IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3129 OF 2026

Mohammad Azeem Aalamgeer .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr.. Vipul Dushing a/w. Mr. Tanmay Kate and Ashraf Kazi, Advocate for Applicant.
- Mr. Amit A. Palkar, APP for the Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 18, 2026

P. C.:

1. Heard Mr. Dushing, learned Advocate for the Applicant and Mr. Palkar, learned APP for the Respondent–State.

2. The Applicant is arraigned as an accused in the present crime under Section 103 of the Bharatiya Nyaya Sanhita, 2023 (BNS). The date of the incident is 20th December, 2025. Prosecution case is that Applicant and deceased who were otherwise admittedly best friends were consuming liquor together near a power supply substation at Maldhe Shivar, near the Girna River. The prosecution has referred to and relied upon the eyewitness account, copy of which is appended at Page 73 of the Application. The eyewitness is a brick Kiln worker/

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brickmaker (वीटभट्टी कामगार) residing near the place of the incident, who had seen the Applicant and the deceased victim together between 02:30 p.m. and 03:00 p.m. in the afternoon hours quarreling with each other in a drunken state. The eyewitness also records that both the persons were abusing each other and after some time the deceased fell to the ground on a push being given by the Applicant, and the Applicant picked up a stone from the ground in his one hand and inflicted a blow with the said stone on the head of the victim. This is the only eye witness account, which is recorded. The case of the prosecution which is otherwise corroborated by the medical evidence about the death of the victim caused with a heavy object being inflicted on his head and face, and the injuries support the said case. Insofar as the motive is concerned, nothing is coming out from the record as such so as to indict the Applicant. Arguably no premeditation of the alleged motive is seen. Save and accept the fact that the quarrel erupted between the parties in view of the Applicant refusing to get more liquor for the deceased victim and the deceased victim having abused the Applicant and *vice versa*. Recovery of a stone as also the blood stained cloths is done. One of the submission argued by Mr. Dushing is that the circumstantial evidence is also *prima facie* weak as the CCTV footage relied upon does not capture the spot of incident or even the alleged assault for that matter. Therefore, the possibility of

the sole eyewitness being incorrect cannot be ruled out. The Applicant though has three antecedents but in the absence of motive, no purpose will be served by him continuing in incarceration. In the facts and circumstances of the present case, the Applicant has made out a case for grant of bail. Therefore the Application is allowed. The Applicant is, therefore, released on bail.

3. In view of the above the following order is passed:-

:: O R D E R ::

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 328 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 surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Pawarwadi Police Station, Malegaon, Nashik, once every month on the first Sunday between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for revocation of this order;

(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 address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

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

4. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]