

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 1170 OF 2025

Yunus Mulla Jabir Mulla

..vs..

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Imran Deshmukh, Advocate for the applicant.
Shri A.R. Chutke, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 12.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.246 of 2025 registered with the Babhulgaon Police Station, District Yavatmal for the offence punishable under Section 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The brother of the deceased has lodged the FIR alleging that the deceased Sayyad Nazim was having previous enmity with accused Jabir Mulla on account of buffalos. On the day of incident, the deceased took his cattle to feed at the canal of Bembala Dam Mitnapur. That time, one Shahrukh Khan informed the informant that his brother was lying in injured condition near the said canal. The informant took the deceased to the hospital, however during treatment he reported to be dead, therefore, the brother of the deceased lodged the report against unknown person.

4. Learned Counsel for the applicant submits that the motive is alleged against the father of the present

applicant. Only incriminating circumstance which appears to be found at the spot of incident is the Aadhar Card of the applicant. Accordingly, an inquiry was made with the applicant and he was arrested on 15.04.2025 at about 9.34 pm. There was also recovery of sickle at the behest of the present applicant however that sickle was not having blood stains. The clothes of the applicants were shown to be seized having blood stains, however seizure panchanama was not filed along with the charge-sheet and the same is filed with the reply of the State in this application. According to him, when the said document is not part and parcel of the charge-sheet, it cannot be relied upon. According to the learned counsel for the applicant, the Aadhar Card has been planted by the Police Agency at the spot of incident when he was called for the inquiry. Lastly it is submitted that there is absolutely no circumstance against the applicant to connect him with the alleged crime and therefore, the applicant be enlarged on bail.

5. On the other hand, learned APP opposes the present application on the ground that on the grazing of cattle there were frequent quarrel between the family of the applicant and the deceased. In the FIR itself the motive was alleged against the father of the applicant Jabir Mullah. There are incriminating circumstances against the present applicant like Aadhar Card which was found at the spot of incident, recovery of sickle at the behest of the applicant, seizure of clothes having blood stains of the applicant and more importantly the motive. If all these incriminating circumstances are taken together, it points out the involvement of the applicant in

the alleged crime and therefore, the applicant does not deserves to be enlarged on bail.

6. I have considered the rival submission and perused the relevant material placed before me. It appears that there was on going quarrel between the father of the applicant and the deceased since last two years. Initially, FIR came to be registered against unknown person. However, at the spot of incident, Aadhar Card of the applicant was found, which according to the applicant, was planted by the police at the time of inquiry with the applicant. So far as the recovery of Aadhar card of the applicant at the spot of incident is concerned, that by itself is not sufficient to connect the applicant with the alleged crime of murder. Even the circumstance of recovery of sickle at the behest of the applicant, which was used in the crime, said sickle was not having any blood stains. Further most importantly it is to be noted that seizure panchanama was not filed along with the charge-sheet and the same is placed on record with the reply of the State. Under such circumstances, seizure panchanama of the clothes of the applicant, which shows blood stains cannot be believed, at this stage. It is to be noted that the motive is alleged against the father of the applicant and the father has been released on bail by the Trial Court.

7. Hence, considering the weak piece of evidence collected by the Investigating Officer and as the investigation is complete and charge-sheet has been filed, I am inclined to grant bail to the applicant, on certain terms and conditions. Hence, the following order

- (a) The application is allowed.
 - (b) The applicant Yunus Mulla Jabir Mulla in connection with Crime No.246 of 2025 registered with the Babhulgaon Police Station, District Yavatmal be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
 - (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
 - (d) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
 - (e) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
8. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
9. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)