



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION [BA] NO. 1236 OF 2025.**

Mohammad Raza Ansari Abdul Kadir Ansari.

**-VERSUS-**

The State of Maharashtra.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri S.S. Ullah, Advocate h/f. Shri S.S. Ali, Advocate for the  
Applicant.  
Shri A. Chutke, A.P.P. for the Non-applicant/State.

**CORAM : M.M. NERLIKAR, J.**

**DATE : JANUARY 27, 2026.**

Heard the learned Counsel for the parties.

2. The applicant in the present matter came to be arrested on 31.10.2024 in connection with Crime No.878/2024 registered with Pachpaoli Police Station, Nagpur for the offence punishable under Section 109 of the Bhartiya Nyaya Sanhita, (BNS). Charge sheet in the matter is filed and Sections 103[1], 115, 3[5] of the BNS and Section 135 of the Maharashtra Police Act came to be added.

3. The first information was lodged by one Talib @

Faiyaz Sheikh, who is nephew of the deceased alleging that on 30.10.2024 he received a phone call from one Mohammad Ejaj Mohammad Ehsan, asking him whether he knows Abbu Hamza @ Ujale, and when the informant said yes, he was asked to immediately come to Mayo Hospital since the said person had suffered with an accident. The informant took her mother to the hospital, and called Mohd Ejaj, who asked them to come to casualty, where there was rush. One auto driver informed him that he has brought his uncle in injured condition in the hospital. He further told that some person had assaulted his uncle with sharp edged weapon on his stomach and back. Informant's uncle succumbed to his injuries. Hence, the report.

4. The learned Counsel for the applicant submits that the applicant is falsely implicated by the prosecuting agency and that only on the basis of CCTV footage, the applicant came to be arrested. He was not identified by any witness and there was no identification parade held. It is not clear from the investigation paper that the applicant is the person who has assaulted the deceased, and therefore, considering the nature of material on record, there is not a single circumstance to connect him with the

murder of the deceased.

5. On the other hand, the learned A.P.P. submits that the applicant was identified on the basis of CCTV footage and Activa moped, which was recovered. He further submits that the weapon – knife and clothes were recovered at the behest of the applicant. The photographs of the applicant were taken from various angles, sent for forensic examination to test the characteristics and similarities between photographs and the CCTV footage. Considering the fact that the present applicant has committed severe offence, it was prayed that the present application be rejected.

6. Upon considering the rival submissions, it is clear that admittedly two persons were involved in the present crime. One person has caught hold the hands of the deceased and another person has stabbed him, which could be gathered from the CCTV footage. However, whether the present applicant is the same person or not, is not clear from the entire prosecution papers. It is only on the basis of Activa moped, the present applicant was identified. Admittedly from the CCTV footage names of the accused have not surfaced, though it was collected from the wine

shop in front of which the incident had occurred. The statement recorded also does not disclose the name of present applicant. It is further to be noted that there was no test identification parade held in order to identify the applicant. Considering the fact that the material which is placed before me, prima facie it is very difficult to connect the present applicant with the alleged crime only on the basis of CCTV footage, from which it is not clear whether the present applicant is involved in the crime. It is further to be noted that the applicant was arrested on 31.10.2024 and till today charges are not framed. Considering the fact that the charge sheet is filed on the basis of the material collected during investigation, I am of the opinion that this is a fit case to grant bail. Hence, the following order.

### ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Mohammad Raza Ansari Abdul Kadir Ansari be released on regular bail in connection with Crime No.878/2024 registered with Pachpaoli Police Station, Nagpur for the offence punishable under Section 109,103[1], 115, 3[5] of the Bhartiya Nyaya Sanhita, (BNS) and Section

135 of the Maharashtra Police Act on his furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused 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.
- (v) 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.
- (vi) 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.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

**JUDGE**