

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

CRIMINAL APPLICATION (BA) NO. 1247/2025

(Jamir @ Jammu Shaha Mehbub Vs. The 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

Mr. T. Deshpande, Advocate for applicant.
 Mr. A. Mate, APP for non-applicant/State.
 Mrs.. N.N. Kinhekar, Advocate (intervenor) for non-applicant No.2

CORAM: M. M. NERLIKAR, J.

DATED : 08/01/2026.

Heard the learned counsel for the applicant, the learned APP for non-applicant No.1 and learned counsel for non-applicant No.2

2. The present application is being filed under Section 483 of the Bharitya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in connection with Crime No.457/2025 registered with Police Station Warud, Tah. Warud, Dist. Amravati for the offence punishable under Section 109(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 ("BNS").

3. The First Information Report (FIR) came to be registered at the behest of Kantabai against two unknown persons out of whom one person was wearing white shirt and had masked his face by white Dupatta who attacked her by applying Chilly Powder all over her face, assaulted her on the chest back and cheek with the help of knife. The learned counsel for applicant submits that so far as the present applicant is concerned, though it appears from the FIR that he was accompanying the main accused, however

there is no overt act on his part. She further submits that even if the allegations are taken as it is still Section 109 of the BNS cannot be attracted against him. The applicant is behind the bar since 12.07.2023 and now the charge-sheet is filed also on 15.08.2025. There is no role attributed to the present applicant from the allegation and even no recovery is at the behest of the present applicant and therefore prayed for bail.

4. On the other hand, learned APP vehemently resisted the application and submits that there are eye-witnesses to the incident who have identified both the accused persons. He has invited my attention to the statement of one of the witnesses namely Jasmatsingh Jaggusingh Bhawe who has stated that there were three persons who were running towards him out of which one is the present applicant, another one is Roshan Ramteke, and the third person was Satish Dhruve, brother of the informant who was chasing both the accused persons. He further submits that injury certificate also supported the allegations made by the informant and therefore he submits that prima facie, there is sufficient material to reject the bail applicant.

5. The learned counsel for non-applicant No.2 by filing the reply has given no objection to grant the bail to the present applicant.

6. After going through the relevant record and considering the submissions of both the parties, it appears that the present applicant accompanied the main accused who was wearing white shirt and his face was masked with a white Dupatta, however after assaulting the informant both the accused i.e. present applicant and Roshan Ramteke ran away from the spot and they have been identified by Jaswant Singh Jaggu Singh Bhawe whose statement was recorded by the Investigation Agency

7. Considering the fact that there is no overt act on the part of the present applicant, so also now the charge-sheet is filed and the applicant is behind bar since 12.07.2023. I am inclined to grant bail, hence the following order:-

ORDER

(I) Application is allowed.

(II) The applicant be released on bail in connection with Crime with Crime No.457/2025 registered with Police Station Warud, Tah. Warud, Dist. Amravati for the offence punishable under Section 109(1) and 3(5) of the BNS on furnishing PR Bond of Rs. 25,000/- with one surety in the like amount.

(III) 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 not tamper with the evidence

(IV) The applicant shall attend the trial regularly and

two defaults would entail the State to apply for cancellation of bail

5. Application is disposed of.

(M. M. NERLIKAR, J.)

Gohane