

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

CRIMINAL APPLICATION (BA) NO.1297 OF 2025

Mujahid Ali Javed Ali @ Mujju Shaha Javed Ali

..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 P.V. Navlani, Advocate for the applicant.
 Shri A.R. Chutke, APP for the State.

CORAM: M.M. NERLIKAR, J.
DATE : 21.01.2026.

Heard the learned Counsel for the applicant and
 learned APP appearing for the State.

2. By way of this application, the applicant is seeking regular bail in connection with Crime No. 444 of 2025 registered on 15.06.2025 with the Umerkhed Police Station, District Yavatmal for the offence punishable under Sections 109(1), 189(2), 189(4), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, Section 135 of the Maharashtra Police Act and Sections 25 and 4 of the Indian Arms Act.

3. In sum and substance, it is the case of the applicant that there was a free fight between two groups and in that several persons were injured and one Shaikh Akbar Shaikh Azhar died due to the assault made by the present informant's party. The present FIR is filed as a counter blast arising out of the said incident.

4. Learned Counsel for the applicant submits that the informant has suppressed true genesis of the said incident and there was inordinate delay in lodging the

FIR as the incident took place on 08.06.2025 whilst FIR has been lodged on 15.06.2025 i.e. after 7 days. The applicant's party had also lodged the FIR on the date of the incident, which is first in point of time against the informant's party bearing Crime No.428 of 2025 registered with the Umerkhed, District Yavatmal for the offence punishable under Sections 103(1), 189(2), 189(4), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita (BNS), 2023 and provisions of MCOC has also been invoked against the informant's party. The person who died in the said incident, has not been named in the FIR and therefore, true genesis has been suppressed by the informant. Learned Counsel for the applicant submits that as the applicant was arrested on 17.06.2025, the investigation is complete and charge-sheet has been filed, the applicant can be enlarged on bail.

5. Learned APP vehemently opposes the application and submits that so far as the delay in registration of the FIR is concerned, it could be gathered that Shaikh Muddasir Shaikh Jamil was seriously injured and due to his treatment, there was delay in lodging the FIR. The present applicant has played active role in the said incident. He has assaulted Muddasir with the help of Sword. Learned APP also invited my attention to the injury certificate of Shaikh Muddasir wherein grave injuries are shown i.e. blunt trauma to the head, CLW found on the head by sharp weapon i.e. on parietal region, temporal region and occipital region and incise wound on right hand. Accordingly, the injuries are serious in nature and on the vital part of the body. Learned APP also invites my attention to the various

statement wherein active role is attributed to the present applicant. There are criminal antecedents against the applicant also. It was also submitted that mere delay in lodging the FIR cannot be a ground to enlarge the applicant on bail, which was caused due to the shifting of the injured person from one hospital to another, and prays to reject the bail application.

6. I have heard both the learned Counsel appearing for the parties.

7. Admittedly, there were counter FIR filed against the parties. So far as the applicant's party is concerned, they have registered the FIR which is first in point of time. Also, one Shaikh Akbar Shaikh Azhar died due to assault in the said incident and therefore the offence of murder, etc. is registered against the present informant's party. It also appears that true genesis of the said incident has been suppressed by the informant. There was no explanation from the informant for the delay in lodgment of FIR. No doubt, the present applicant has played vital role and there is evidence to that effect, however considering the fact that the applicant was arrested on 17.06.2025, investigation is complete and charge-sheet has been filed, I am of the considered opinion that the applicant can be enlarged on bail by imposing stringent conditions. No purpose would be served by keeping the applicant behind the bar, hence the following order :

(a) The application is allowed and disposed of.

(b) The applicant/accused Mujahid Ali Javed Ali @ Mujju Shaha Javed Ali be released on regular bail

in connection with Crime No.444 of 2025 registered with the Umerkhed Police Station, District Yavatmal on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

- (c) 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.
 - (d) The applicant/accused shall not enter into the vicinity of Tajpura Ward, Taluka Umerkhed, District Yavatmal.
 - (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. All Misc. Applications pending if any, shall also disposed of accordingly.

(M.M. NERLIKAR, J.)

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