

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

CRIMINAL APPLICATION (BA) NO.1320/2025

(Gulam Hasan Aulad Husain 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

Mr. Abdul Subhan, Advocate for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 22/01/2026.

Heard the learned counsel appearing for applicant
and learned APP for non-applicant/State.

2. By the present application, the applicant is seeking
bail in connection with Crime No.235/2025 registered with
Police Station City Kotwali, Akola for the offenses
punishable under Sections 109, 189(2)(4), 190, 308(2) of
the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. In short the prosecution story is that the applicant
along with other co-accused persons on account of
demanding money, got into a fight and assaulted the
informant and his family members with the help of koyata
and sticks.

4. The learned counsel for the applicant submits that
though it appears from the statements of the injured

witness that the present applicant was having wooden log in his hand. However the main allegations are against Gulam Ali and not against the present applicant. No active role or overt act was there on the part of the present applicant. The main accused Gulam Ali has inflicted blows on the victim, however nothing was recovered from the present applicant. He further submits that the applicant is in jail since from August 2025. Now the investigation is over and charge sheet is filed. No purpose would be served by keeping the applicant behind the bars and if bail is granted he would not enter the Akola city except on the dates of the Trial Court.

5. On the other hand the learned APP vehemently opposes the application and submits that the applicant was present when the incident took place. He was carrying a wooden log and the same recovered from the present applicant. She submits that merely not playing active role would not absolve the present applicant from the crime committed in furtherance of common intention with the co-accused. She submits that from the perusal of the statement of the witnesses, the presence of applicant can very well be established. There are injured eye witnesses

and further the injury certificates demonstrate that Gulam Ali has inflicted several blows on the victim and therefore prays to reject the application.

6. Upon consideration of the rival submissions, it appears from the statement of the victim that the present applicant was having a wooden log in his hand. It appears that the main accused Gulam Ali has inflicted blows on the injured and not the present applicant. Therefore it appears that the applicant has not played active role and there is no allegations of overt act so far as the present applicant is concerned. Considering the fact that the investigation is complete and charge sheet is filed and applicant is ready to reside outside the Akola city, I am inclined to grant bail, hence following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Gulam Hasan Aulad Husain be released on regular bail in connection with Crime No.235/2025 registered with Police Station City Kotwali, Akola for the offense punishable under Section 109, 189(2) (4), 190, 308(2) of the BNS 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(iii) 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.

(iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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 entails the State to ask for cancellation of bail.

(vi) The applicant shall not enter into the Akola city except on the dates of the trial court for attending the trial. It is made clear that the applicant shall not commit any offense henceforth and in case if he has committed any offense the prosecution is at liberty to apply for cancellation of bail

(M. M. NERLIKAR, J.)