

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

CRIMINAL APPLICATION (BA) NO. 1381/2025

(Aslam Rehman Gawli 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. A.M. Jaltare, Advocate for applicant.
Ms. S. Haider, APP for non-applicant No.1/State.
Mr. J.B. Gandhi, Advocate assisting the prosecution.

CORAM: M. M. NERLIKAR, J.

DATED : 11/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 541/2025 registered with Police Station Mehkar, Dist. Buldhana for the offences punishable under Sections 109(1), 3(5) of the Bhartiya Nyaya Sanhita.

3. It is the case of the prosecution in brief that on 10.09.2025, the informant namely Chandu Hittu Gawli lodged the report stating that on 09.09.2025 at about 10:00 p.m., when his brother Chotu Hittu Gawli was returning home. At that time, the present applicant/accused No.1 along with accused No.2 Javed Rahman Gawli and accused No.3 Firoz Rahman Gawli

assaulted his brother over an old property dispute. In the said report, it is alleged that the other accused persons caught hold of his brother and the present applicant inflicted knife blows on the abdomen, face and neck of informant's brother. Hence, informant had lodged the report.

4. The learned counsel appearing for the applicant submits that both parties registered FIR against each other for same incident. The allegations are that applicant inflicted two blows on Chotu Gawali with the help of knife. He submits that even from the side of the present applicant one another FIR was registered by Firoz Gavali alleging that Chotu Gavali has given blows on the stomach of the present applicant with the help of knife. He submits that so far as the FIR which was registered against other party, they have been granted anticipatory bail. However, only on the ground that the applicant has inflicted blows on Chotu Gavali which are serious in nature, the application was rejected. He invited my attention to the FIR which was registered against the present applicant by one Chandu Gavali. He also invited my attention to the injury certificate, wherein two stab injuries one on the lumbar

region and another on left flank below. There are three other incised wounds also present on the body of the Chotu Gavali. He further submits that even the present applicant has also sustained serious injury, he was hospitalized from 09.09.2025 till 22.09.2025. He has invited my attention to the discharge card, wherein two stab injuries are shown. He submits that in the said incident, both the parties were injured. He submits that the applicant was arrested on 22.09.2025. Now the investigation is complete and charge sheet is filed, therefore he prays to grant bail.

5. On the other hand, the learned APP and the learned counsel assisting the Public Prosecutor submitted that there are independent eye witnesses to the incident. They have invited my attention to one of the statement of one Tausif Gaffar Khan, wherein it shows that the present applicant has inflicted two blows on the abdomen with the help of knife on Chotu Gavali. The injury certificate demonstrates that as many as five injuries are on the person of Chotu Gavali. Out of that five injuries, two are serious injuries i.e. stab injuries around the abdomen. It was also submitted that the applicant is having antecedents. To that effect, the learned counsel appearing

for the applicant submits that one offence is registered under Section 324 of the Indian Penal Code and another offence is registered under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In both the cases, the applicant is on bail.

6. After considering the rival submissions, admittedly, it appears that there are two FIRs are registered. The FIR which was registered against the present applicant shows that the present applicant has inflicted two blows with the help of knife on the abdomen and further there are three incised wounds. Admittedly, the present applicant is the main accused as it appears from the entire record. No doubt, there are independent eye witnesses to the incident. Not only that, the allegations are supported by the injury certificate also. However, the fact remains that another FIR was also registered by one Firoz Gavali who is from the group of present applicant alleging that Chotu Gavali has also inflicted blows on the present applicant with the help of knife on the abdomen and hand. It is to be noted that so far as the offence which was registered by Firoz Gavali in concerned the accused therein has been granted

anticipatory bail. Though in the present case, there are serious allegations against the present applicant, however considering the fact that now the investigation is over, charge sheet is filed and the applicant is behind bar since 22.09.2025, the applicant can be released on bail by imposing certain stringent conditions. Hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Aslam Rehman Gawli be released on bail in connection with Crime No. 541/2025 registered with Police Station Mehkar, Dist. Buldhana for the offences punishable under Sections 109(1), 3(5) of the Bhartiya Nyaya Sanhita 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/accused shall not enter into the vicinity of the Gawalipura till conclusion of the trial.

(M. M. NERLIKAR, J.)

Gohane