



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

CRIMINAL APPLICATION [B.A.] NO. 93 OF 2026

Uman Khan Sajid Khan

-- VERSUS --

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. Raheel Anwar J. Mirza, Advocate for the Applicant.

Ms. P.C. Bawankule, A.P.P. for the Non-applicant/State.

Mr. K.H. Anandani, Advocate a/w Mr. B.K. Suchak, Advocate
for assist to prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 18, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.348/2025 for the offence punishable under Sections 115(2), 125(A), 125(B), 109(2), 190 and 192(2) of the Bharatiya Nyaya Sanhita, 2023, BNS, registered with Police Station Ramdaspath, District Akola.

3. The First Information Report is lodged by the victim while he was in the hospital alleging that on 22/11/2025, around 10:30 p.m. when he was taking his daughter to the hospital, 4 persons, namely, Mehendi Hasan Khan, Musef Khan, Mujmil Khan and Aadil Khan along with other 4-5 persons assaulted him with fist and kick blows on his chest,

head and other body parts due to which he was hospitalized and is under going treatment for the same.

4. The learned counsel appearing for the applicant submits that in the F.I.R., name of the present applicant is not recorded. The F.I.R. was registered by the victim himself. His statement was recorded in the hospital and he has named 4 persons. He has also stated that other 4 – 5 persons were there along with 4 named persons. Admittedly, the present applicant is the nephew of the wife of the victim – Ansar. Had it been a case that the applicant was present there, he would have taken his name immediately because he knows the name of the present applicant, as he is a near relative of him. He further submits that even in the non-cognizable offence which was registered by the daughter of the victim – Ansar the name of the present applicant is not reflected, however, it only refers the name of three persons, i.e., Mehendi Hasan Khan, Musef Khan and Aadil Khan, and therefore, he submits that the applicant was wrongly implicated in the crime. The applicant is student and he was not present on that day at the spot of incident. He further submits that the main accused – Mehendi Husain, is the maternal uncle of the applicant, and all the allegations are against him, and therefore, no role is attributable to

the present applicant. He submits that considering the age of the applicant, i.e., 22 years and no allegation of assault on the deceased is attributed to the applicant he may be granted bail.

5. On the other hand, the learned A.P.P. submits that the investigation is going on and charge-sheet is yet to be filed. She further submits that there are eye-witnesses to the incident. She has invited my attention to the statement of the victim and submits that the name of the applicant appears in the statement and it is alleged that all have beaten the victim – Ansar. She further invited my attention to the injury certificate of victim – Ansar, wherein serious injuries are shown. The applicant was required to undergo head surgery due to the assault and he was admitted at Afza Multispecialty hospital at Akola. In that hospital, he has undergone the surgery of Craniotomy, and therefore, considering this fact and the role played by all the accused persons including the applicant, the applicant does not deserve to be enlarged on bail. The same argument was adopted by the learned counsel who is assisting the prosecution.

6. I have considered the rival submissions, it appears from the record that, initially, the N.C. was registered by the daughter of the victim, namely, Jannat Fatima on 23/11/2025. Mehendi Hasan Khan, Musef Khan and Aadil Khan, are named in the non-

cognizable report which was alleged to be registered for the same incident. It further appears that after admission of the victim – Ansar in the hospital, his statement was recorded, on 11/12/2025, and therefore, F.I.R. was registered, wherein the victim – Ansar has taken name of Mehendi Hasan Khan, Musef Khan, Mujmil Khan and Aadil Khan, and other 3 to 4 persons, however, he has not named the present applicant, though he is near relative of him. However, again on 14/12/2025, another statement of Ansar was recorded, wherein he named applicant, however, no overt act is attributed to him. In the statements of other witnesses, name of the applicant was shown, however, it does not demonstrate any overt act. No doubt, there are serious injuries on the person of the victim – Ansar and he has undergone surgery. However, considering the role played by the applicant and the fact that in the initial N.C. report registered, wherein no name of the present applicant is mentioned. Further, no overt act is attributed in the statement of victim Ansar and also in other statements of witnesses. I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is
allowed;

(ii) The applicant/accused (Uman Khan Sajid Khan) be released on regular bail in connection with Crime No.348/2025 registered with Police Station Ramdaspath, District Akola, for the offence punishable under Sections 115(2), 125(A), 125(B), 109(2), 190 and 192(2) of the Bharatiya Nyaya Sanhita, 2023, BNS, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent 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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) 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 or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN