



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

CRIMINAL APPLICATION [BA] NO. 154 OF 2026.

Mohd. Mustkin Rafiq.

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M.N. Ali, Advocate for the Applicant.
Shri A. Chutke, A.P.P. for the Non-applicant.
Shri R. Khan, Advocate Assisting Prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 20, 2026.

Criminal Application No. /2026.

Heard.

2. This is an application praying to assist the prosecution. For the reasons stated in the application, the same is allowed and disposed.

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Criminal Application No.154/2026.

Heard.

2. The applicant came to be arrested on 14.12.2025 in connection with Crime No.615/2025 registered with

Mangrulpir Police Station, District Washim for the offence punishable under Sections 109 and 3[5] of the Bhartiya Nyaya Sanhita (BNS) and Sections 4 and 25 of the Arms Act.

3. The first information report is lodged by one Mohd. Ali Mohd. Yakub alleging that on 14.12.2025 the present applicant along with other two co-accused have assaulted one Sharukh and his brother Mohd. Tariq with the help of iron rod, sword and stick while they were driving motorcycle, in which they were seriously injured.

4. The learned Counsel appearing for the applicant submits that so far as the present applicant is concerned, his role is that he has assaulted Sharukh with the help of stick, while Mohd. Tariq was riding motorcycle, due to said assault both of them fell down and other accused persons assaulted them with the help of iron rod and sword. It is submitted that the role of applicant is that he has not assaulted after the injured fell down, which is sufficient to grant bail. So far as the injuries sustained by Sharukh is concerned, they are simple and the weapon used for the same is stick, which was found on the spot. Hence, the applicant be released on bail.

5. On the other hand the learned A.P.P. and learned Counsel Assisting the prosecution vehemently opposed the application by submitting that the role of applicant cannot be bifurcated. The applicant along with other co-accused were waiting on the road, and as soon as Sharukh and Mohd. Tariq came there, present applicant has given blow with the help of stick, due to which both fell down, and thereafter other accused have assaulted them. Serious injuries are caused to Mohd. Tariq, therefore, at this stage the role of applicant cannot be bifurcated. They submit that the incident had occurred in the morning between 3 to 3.15 a.m. and therefore, there are no eye witnesses, however, statement of injured persons would demonstrate that the present applicant has actively participated, thus, considering the injuries sustained by them the applicant does not deserve to be released on bail.

6. I have heard the rival submissions of the parties. Admittedly the role attributed to the present applicant is that he has given stick blow to Sharukh, due to which Mohd. Tariq and Sharukh both fell down from the motorcycle, thereafter other accused persons assaulted them with the help of iron rod

and sword. Statements of injured would demonstrate this fact, therefore, considering the fact that limited role is attributed to the present applicant, coupled with the fact that the applicant is behind bars since 14.12.2025, and investigation is almost complete and as informed by the learned A.P.P. that charge sheet is likely to be filed, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Mohd. Mustkim Rafiq be released on regular bail in connection with Crime No.615/2025 registered with Mangrulpir Police Station, District Washim for the offence punishable under Sections 109 and 3[5] of the Bhartiya Nyaya Sanhita (BNS) and Sections 4 and 25 of the Arms Act on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused to attend the concerned police station twice a month, i.e. each Monday between 1 a.m. to 2 p.m., till the filing of the charge sheet.
- (iv) 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.

- (v) 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.
- (vi) After filing of the charge sheet, the accused shall attend each and every date of trial regularly. If he fails to attend the trial for one date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE