



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

CRIMINAL APPLICATION (BA) NO. 251/2026

(Syed Irfan @ Lendi Barkat 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

Mr. M.N. Ali, Advocate for applicant.
Mrs. Mayuri H. Deshmukh, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 11/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 901/2025 registered with Police Station Yavatmal City, Dist. Yavatmal for the offence punishable under Sections 103(1), 61(2), 352, 351(2), 351(3), 189(2), 190, 191(2) of the Bharatiya Nyaya Sanhita ("BNS").

3. Brief facts of the prosecution story is that deceased Shahzad, brother of the informant, had an ongoing dispute with co-accused over a pledged mobile phone and suspicion of an alleged illicit relationship with the co-accused's wife. It is alleged that on the evening prior to the incident, the present applicant and other co-accused visited the informant's house and threatened to kill the

deceased, and left. On the next day, the deceased was allegedly taken on a motorcycle by the co-accused, during which he was stabbed with a knife and sustained fatal injuries, resulting in his death. The prosecution claims that the act was carried out pursuant to a prior conspiracy and threat, and accordingly the offence of murder with common intention came to be registered against the accused persons.

4. The learned counsel appearing for the applicant submits that the allegation against the applicant is that on the earlier day of the incident, the applicant along with others threatened the deceased. However, on the next day, the relatives of the applicant committed murder. Merely on the allegation of giving threats to the deceased, the offence of murder cannot be invoked against the present applicant. He submits that apparently there is no evidence that on the day of incident the applicant was present at the time of committing the murder of the deceased. The offence was committed independently by relatives of the applicant, therefore no role is attributed on the day of murder to the present applicant. He submits that as the investigation is over, charge-sheet is filed, he may be released on bail.

5. On the other hand, learned APP vehemently opposes the application and submits that it is the applicant on whose instigation the murder was committed. On the previous day, the applicant along with his one relative threatened the brother of the deceased that they will kill the deceased, therefore it cannot be said that as on the day of incident the applicant was not present and so he cannot be linked with the murder of the deceased. She submits that it is the applicant who insisted the relatives to commit murder, accordingly relatives committed the murder of the deceased. There are eye witnesses to the main incident of murder, even there are witnesses to the earlier incident of previous day, wherein the applicant threatened the brother of deceased that he will kill the deceased. There are six witnesses. She further submits that six serious offences against body are registered against applicant. She invited my attention to the crime chart of the applicant, wherein there is one case of murder of the year 2023, two cases of Section 307 of the Indian Penal Code (“IPC”) of 2023 and 2020 another case is registered under Section 324 of the IPC in 2020 and in the year 2025 again an offence is registered against the applicant under Section 118(1) of

the BNS, therefore she submits that considering the antecedents, the applicant does not deserve to be enlarged on bail.

6. I have considered the rival submissions. So far as the present crime is concerned, admittedly on the previous day of incident, the present applicant along with four accused persons went to the house of the informant, wherein they threatened the brother of the deceased that they will kill the deceased and accordingly on the next day, the relatives of the applicant along with others killed the deceased. However, admittedly the present applicant was not present at the time of murder. It is further to be noted that so far as the offences registered against the applicant are concerned, no doubt, those are serious offences, however considering the nature of allegations against the present applicant in the present crime, the applicant is in jail since 17/10/2025, investigation is over and charge sheet is filed, I am inclined to grant bail. Hence, the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Syed Irfan @ Lendi Barkat Ali be released on bail in connection with Crime No. 901/2025 registered with Police Station Yavatmal City, Dist. Yavatmal for the offence punishable under Sections 103(1), 61(2), 352, 351(2), 351(3), 189(2), 190, 191(2) of the BNS 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 entail the State to ask for cancellation of bail.
- (vi) The applicant shall not commit any offence under any law and in case, he commits another offence after release, the prosecution is at liberty to apply for cancellation of bail immediately and further even the Trial Court is at liberty to take suo motu cognizance of the said

fact and proceed to cancel the bail of the applicant.

(vii). The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observation.

(M. M. NERLIKAR, J.)

Gohane