



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

CRIMINAL APPLICATION [BA] NO. 384 OF 2026.

Liyakat Ali Nisar Ali

-VERSUS-

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 A.M. Jaltare, Advocate for the Applicant.

Shri A.A. Madiwale, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 08, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.751/2024 registered with Wardha Police Station, District Wardha, for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. The first information report is lodged by Farida Begum Shaikh Mumtaz alleging that her daughter was married to the applicant and from the said marriage a boy was

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born namely Ayat Ali. The said marriage of the applicant was second marriage. The applicant is a criminal and there are several cases registered against him. On 20.05.2024 the applicant along with his son from first wife namely Rehan, came to her house and asked to keep a pouch of Ganja in her house, when the informant refused to keep the same, he started quarreling and threatened them of dire consequences and left. At 1 p.m. the applicant, his son and nephew Sk. Ibrahim came to the informant's house. The applicant was armed with a sword and Rehan was holding a knife and Ibrahim Sheikh had assaulted her husband with a stone, however, he defended and did not get injured. Rehan assaulted the informant with knife, she tried to defend herself, however, she got injured. Hue and cry was made on which people gathered there, because of which the assailants ran away from the spot. Hence, the report.

4. The learned Counsel submits that the first information report was registered by the mother-in-law of the applicant. The allegations are nothing but an exaggeration. The allegation against the applicant is that he was having

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sword, apart from this there are no allegation of inflicting or assaulting by sword either on the informant or some other person. So far as the allegation of assaulting with the help of knife is concerned, the same is against Rehan Ali, who is son of the applicant from his first wife. Even perusal of the injury certificate would demonstrate that hardly any injury is inflicted even by Rehan. The applicant, his son Rehan and one relative Ibrahim Sheikh have been falsely implicated in the crime. There are more than 50 offences registered against the applicant, either under the provisions of Bombay Prohibition Act or under the Indian Penal Code, however, in most of the cases the applicant has been acquitted, including the offence punishable under Section 302 of the Indian Penal Code. It is prayed that considering the allegations in the present crime, the applicant deserves to be released on bail.

5. On the other hand the learned A.P.P. vehemently opposed the application and submits that the crime was registered for the offence punishable under Section 307 of the Indian Penal Code. The offence was registered on 20.05.2024. Considering the criminal history and background

of the applicant, he cannot be released on bail. The informant is mother-in-law of the applicant and on 20.05.2024, he went to her house and asked to keep the contraband article – Ganja pouch at her house. When she refused, the applicant along with Rehan [son of the applicant] and Ibrahim [relative of the applicant], quarreled with her and thereafter at 1 p.m. on the same day, assaulted the informant and her husband with the help of sword, knife and also with stones. However, they were able to rescue themselves from the clutches of the applicant and others and were able to save their life. In the scuffle, the informant has sustained an abrasion and therefore, according to the learned A.P.P. considering the past history of the applicant and serious allegations in the present crime, he does not deserve to be released on bail.

6. I have considered the rival contentions of the parties, and gone through the first information report and investigation papers. Admittedly it appears that the applicant was holding sword in his hand, it further appears that he has tried to inflict blows with the help of sword on the informant, however, somehow she escaped, made a hue and cry on which

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some persons from the vicinity had gathered and all the three accused persons ran away from the spot. It further appears from the record that the applicant has a criminal history and in most of the cases the offence is registered under the provisions of Bombay Prohibition Act, so also under various provisions of the Indian Penal Code, including bodily offences. It is also a matter of fact that in about 35-36 offences, the applicant was acquitted. Perusal of the order of the trial Court by which the application of the applicant was rejected, reveals that the informant has given no objection to grant bail, by filing her affidavit dated 15.11.2025. Considering the above facts and as there is no injury caused by the present applicant, and the fact that the applicant is in jail since 21.05.2024, I am inclined to grant bail to the applicant. Needless to mention that though there are criminal antecedents against the applicant, however, he was acquitted in most of the crimes/cases. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.

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- (ii) The applicant /accused Liyakat Ali Nisar Ali be released on regular bail in connection with Crime No.751/2024 registered with Wardha Police Station, District Wardha, for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code 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 shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (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) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single 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