



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

CRIMINAL APPLICATION (BA) NO.451/2026

Rahim Khan Kadar Khan.Vs.State of Maharashtra thr. PSO P.S. Gittikhadan, Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. S. Qureshi, Advocate for applicant.
Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : M. M. NERLIKAR, J.

DATE : APRIL 20, 2026.

Heard Mr. A. S. Qureshi, learned counsel for applicant
and Mr. V. A. Thakare, learned A.P.P. for non applicant-State.

2. The present application is filed seeking bail in Crime No. 131/2026, registered with Police Station Gittikhadan, Nagpur, District Nagpur for offences punishable under Sections 118 (1) and 109 of the Bhartiya Nyaya Sanhita, 2023 ("BNS").

3. The First Information Report ("FIR") was lodged by one Amit Upadhyay that on 26.02.2026 at 06:15 p.m., one Rahim came to buy fruits from his shop and a dispute arose between them over price of the fruits. The applicant assaulted the informant with fist and kick blows. On intervention by his father namely Santosh, he was also beaten. When the informant ran behind the applicant, the applicant took a knife from a nearby shop and attacked the informant who dodged the attack, thereby causing injury to his right hand. Based on these allegations, FIR was lodged.

4. Learned counsel for the applicant submits that the incident occurred due to a petty quarrel on account of

purchasing of fruits. The informant is in the business of selling fruits and applicant came to his stall for purchasing fruits. A quarrel took place on account of the price of the fruits. Initially, the applicant assaulted the informant with fist and kick blows. Even the father of informant-Santosh who intervened was assaulted. He further submits that it was not a premeditated act. It was a sudden fight and there was no intention to cause any injury. The applicant is behind bars from 28.02.2026 and, therefore, considering the nature of allegations, the applicant be released on bail.

4. On the other hand, learned A.P.P. vehemently opposed the application and submits that investigation is going on. There are serious charges levelled against the applicant. The applicant has assaulted on the head of the father of applicant with the help of brick. He further submits that the applicant did not stop there. He tried to escape from the spot. However, the informant chased him and during the chase, the applicant has taken a knife from a Chinese Stall and tried to inflict knife blows on the informant. Anyhow, the informant rescued himself from the knife blows. However, during this scuffle, knife blow was inflicted on the hand of the informant as he tried to stop the assault. Learned A.P.P. further submits that the applicant is having criminal antecedents as a case has been registered under Section 302 of the Indian Penal Code, 1860, which is a serious offence, at Nagpuri Gate Police Station, against him. Learned A.P.P. further submits that statement of Santosh, father of informant, was recorded on the next day, which implicates the applicant and further Santosh has specifically stated that the applicant, with the help of brick, has assaulted on his head.

Therefore, according to learned A.P.P., assault is on the vital part of the body, therefore, Section 109 of the BNS was rightly invoked and a prayer is made to reject the application.

5. In response to this contention, learned counsel for applicant submits that he has already disclosed the crimes which are registered against the applicant. First crime was registered against the applicant in the year 2011 (Crime No. 363/2011), wherein he was discharged. He was acquitted of an offence registered in the year 2017 (Crime No.224/2017). He further submits that the last offence registered in the year 2020 wherein final arguments are to be advanced. Therefore, he submits that though the antecedents against the applicant are there, those are old. For releasing the applicant, this cannot be a hurdle, particularly when there is no sufficient material to invoke Section 109 of the Bhartiya Nyaya Sanhita, 2023.

6. I have considered the record and the submissions. It is not in dispute that the quarrel has taken place on a flimsy ground. It appears that the applicant who is a customer, went to the stall of informant for purchase of the fruits. However, as the applicant questioned the informant as to why he is charging Rs.150/-, on this count, the quarrel started. It appears that initially there was quarrel between the applicant and informant Amit. As informant's father Santosh tried to intervene, the applicant has beaten him also. Perusal of the statement of the father of informant would further depict that the applicant has assaulted him with the help of brick. It further appears that after the assault on the father, the applicant tried to run away but the informant chased him to some distance. However, seeing

this, the applicant picked up a knife from the Chinese Stall and tried to inflict blows, which caused injuries on the palm of the informant.

7. No doubt, there are allegations against the applicant. However, the fact remains that the incident has occurred on account of purchase of the fruits. Prima facie there appears no intention to assault. It appears that the informant and his father, Santosh have received simple injuries. It is further to be noted that perusal of the injury certificate of Amit, reveals that there are multiple minor injuries on the right hand and finger.

8. It is further to be noted that the applicant is having criminal antecedents. Trial for the serious offence under Section 302 of the IPC is pending. However, that was registered in the year 2020. So far as the previous two offences are concerned, the applicant was either discharged or acquitted. The applicant is in jail since 28.02.2026

9. Considering the above facts, I find that no purpose would be served by keeping the applicant behind the bars as the investigation is complete and charge-sheet is filed. I am inclined to grant bail. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant – Rahim Khan Kadar Khan, be released on regular bail in connection with Crime No.131/2026, registered with Police Station, Gittikhadan, Nagpur for the offences punishable under Sections 118(1) and 109 of the Bhartiya

Nyaya Sanhita, 2023, on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.

(iii) The applicant shall not enter into the vicinity of Anant Nagar, Nagpur, where the informant and his family is residing.

(iv) The applicant shall make himself available as and when called by Police Station Officer, Police Station, Gittikhadan, Nagpur.

(v) The applicant 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.

(vi) The applicant 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.

(vii) The applicant 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.

(viii) 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.

(JUDGE)