



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

CRIMINAL APPLICATION [BA] NO.486 OF 2026.

Mohd. Muzammil Abdul Rafiq

-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 R.K. Tiwari, Advocate for the Applicant.
Ms T. Udeshi, A.P.P. for the Non-applicant /State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 22, 2026.

Heard.

2. The applicant came to be arrested 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 Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 4 and 25 of the Arms Act. Charge sheet came to be filed and Section 3 of the BNS came to be added.

3. The first information report in the matter is lodged by one Mohd. Ali Mohd Yakub, alleging that on 14.12.2025

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there was a quarrel on account of elections of Nagar Parishad in which the accused persons threatened to kill the brother of the informant and one Sharrukh. The informant was waiting outside the house, when he saw accused persons armed with sword, stick and iron pipe. One motor cycle was coming from the opposite direction at aht time accused Mohd.Mustkim attacked the persons sitting on the motor cycle by stick because of which they fell down, whom the informant identified as his brother and Sharrukh. At that time Mohd. Muzammil assaulted brother of the informant by sword on his head, in the event of saving himself from the second blow, injury was caused to his hands. Fazil Khan assaulted by iron pipe on the legs of the brother of informant. Similarly Sharrukh was also assaulted by sticks and iron pipe. On raising alarm by the informant, all the accused persons fled away from the spot. Hence the report.

4. The learned Counsel for the applicant submits that when the applicant was admitted in the hospital, he has given alleged history of fall from the vehicle on 14.12.2025 around 3 a.m. The injuries on the injured are possible by fall from

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vehicle. Statements of victim-injured was recorded on 26.12.2025, wherein specific role has been attributed to the applicant that he has assaulted him with the help of small sword on the head. He further submits that had it been the intention of the applicant, to kill the injured, he could have killed him then and there. There is no opinion of the Doctor showing that the injuries are possible with the help of sword, and in such circumstances, the applicant be released on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application by submitting that statement of victim itself is sufficient to connect the applicant with the alleged crime. The applicant is the main accused and specific role has been attributed to him, that with the help of small sword like weapon, he has inflicted blows on the head of the injured. The said statement is followed by injury certificate, wherein there are 7 injuries shown, though the injuries are simple in nature, that it is irrelevant, so as to attract Section 109 Bharatiya Nagarik Suraksha Sanhita, 2023. According to the learned A.P.P. in ordinary course the injuries by deadly weapon are sufficient to cause death, and therefore all the material

ingredients of Section 109 of the BN are attracted. It is further submitted that the applicant is having antecedents, wherein in one offence is registered against the applicant bearing Crime No.37/2023 for the offence punishable under Sections 15e-A and 295-A of the Indian Penal Code in the year 2023, and there are also 2 NCR reported against the applicant, therefore, bail be rejected.

6. I have heard the rival submissions canvassed by the learned Counsel for the parties and perused the first information report. In the first information report admittedly name of the applicant appears. It is stated in the first information report that the applicant has inflicted blow with the help of iron sword on the head of the injured/brother of the informant. When second blow was about to be inflicted, in order to save himself, injury was caused to the fingers/hand of the injured Mohd. Tariq. The history was narrated in Rainbow Hospital that there was assault and fall from the vehicle. It further appears from the statement of the injured that the applicant has inflicted blow with the help of sword on the head of the injured. I have gone through the order of the

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trial Court and this Court. Fazil khan, one of the co-accused was granted bail on the ground of parity. After going through the injury certificate, prima facie it appears that all the injuries mentioned in the said certificate are simple in nature, except for injury no.7, which is on the knee of left leg on the injured. Admittedly the applicant is in jail since 11.01.2026, now the investigation is complete and charge sheet is also filed. Considering the above facts and circumstances, 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. Muzammil Abdul Rafique 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, 2 and 3[5] of the Bharatiya Nyaya Sanhita, 2023 (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 shall not enter within the entire

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vicinity of Mangrulpir City 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 influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE