



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

CRIMINAL BAIL APPLICATION (ABA) NO. 244 OF 2026

(Mohammad Nisar Mohd Muktar Vs. State, thr PSO, PS Nandura, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. S.B. Bangde, Advocate for applicant.
Ms. M.R. Kavimandan, APP for non-applicant /State.

CORAM: RAJNISH R. VYAS, J.

DATE: 17.04.2026

Heard.

2. Apprehending arrest, the accused, who was not named in FIR but was shown as an absconding accused in Charge Sheet as accused no. 3 by name Mohd. Nisar Mohd. Muktar was approached this court for grant of anticipatory bail.

3. The informant of the crime by name Sheikh Budhan Sheikh Harun has lodged FIR dated 6.4.2025, bearing No. 155/2025, with Nandura Police Station, District Buldhana, for offences punishable under Sections 109, 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyay Sanhita, 2023.

4. In short, it is the case of informant in the FIR that on 6.4.2025, at about 9.30 to 10.00 a.m., when he was at his Pan Shop, he heard noise from the fish market and he went there. He saw that his brother Sheikh Asif Sheikh Harun was abused by Sheikh Ansar Sheikh Nisar and other persons. The quarrel escalated in which Sheikh Nisar Sheikh Muktar caught hold of

the hands of injured Sheikh Asif Sheikh Harun and one Sheikh Ansar Sk Muktar assaulted by knife and gave a blow on the stomach of Sheikh Asif. It was further alleged that the injured Sheikh Asif Sheikh Harun was also assaulted on his shoulder. According to FIR, due to intervention of one Nadim Rahim, informant and others, the quarrel was settled. At that time, the injuries were sustained by one Sheikh Nadim Sheikh Rahim due to the knife which was in the hands of Sheikh Ansar Sheikh Muktar. It is this incidence which resulted into the registration of FIR.

5. During the course of investigation, statements of witnesses were record. So also, the injured was subjected to medical examination. Some of the accused were arrested and ultimately after completion of investigation, Charge Sheet came to be filed. The applicant is shown as an absconding accused in the Charge Sheet.

6. The learned counsel for applicant has contended that the applicant is falsely implicated as neither the FIR nor the supplementary statement recorded of the informant reveals his name. According to him, though, he has been shown an absconding accused in the Charge Sheet, no attempts were made by the Investigating Officer to search whereabouts of the applicant.

Per contra, learned APP has contended that the entries in station diary would clearly reveal that on various occasions, the police had been to the house of the present applicant and also inquired about his whereabouts from the

relatives but was not found. She submitted that though FIR and supplementary statement fails to name the applicant initially, but subsequent statement of Mohd. Asif Sheikh Harun i.e. injured which was recorded on 16.6.2025 clearly reveals the role played by the applicant.

7. With the able assistance of the learned counsels for respective parties, I have gone through the case record and has given thoughtful consideration to the arguments advanced. The FIR, as already stated, is lodged by the brother of injured Sheikh Asif without naming the present applicant. Initially, in the statement of informant no role was assigned to the applicant. It is on 18.6.2025, for the first time, injured Sheikh Asif has stated to the police that present applicant, during the quarrel, was holding steel pipe and by the said weapon injured was assaulted on left side of his head. There is eye witness by name Mohd. Akram Mohd. Yusuf, whose supplementary statement is recorded on 18.4.2025. In his statement, he has specifically stated that the applicant had caught hold of the hands of injured Sheikh Asif and thereafter, Sheikh Ansar Sheikh Muktar had given a stab blow to the injured. Thus, it is crystal clear that presence of applicant has revealed from the statement of Mohd. Akram Mohd Yusuf. The version advanced by the injured is corroborated by the injury certificate issued by Silvercity Multipurpose Hospital, Khamgaon. Injury no. 4 clearly shows that there was contused lacerated wound over the scalp (stab) 10x0.8 cm, bone deep.

8. According to learned APP, weapon used by the applicant is yet to be seized. Considering the role played by the

applicant and the fact that he was not available for investigation and was shown absconding, I do not find any reason to allow the present application. Further, the injured was admitted in the hospital on 6.4.2025 and was discharged on 13.4.2025. There are three other stab injuries. Said wound would clearly reveal that there is prima facie, case against the present applicant. At the stage of deciding anticipatory bail application, indepth appreciation of material is not permissible.

In view of the aforesaid discussion, the application is rejected.

(RAJNISH R. VYAS, J.)