



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

CRIMINAL APPLICATION (ABA) NO. 326 of 2026

(Mohd. Ekhtesham Moh. Aslam Vs. State, thr PSO, PS Panchpawali, Nagpur)

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

Court's or Judge's orders.

Mr. S.A. Sahu, Advocate for applicant.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 05.05.2026

Heard.

2. The reply tendered across the bar by the learned APP is taken on record and marked 'X' for identification.

3. This is an application under Section 482 of the Bharatiya Nagrik Suraksha Sanhita. The applicants are the original accused nos. 4 and 3, respectively. The FIR No. 137/2026, dated 03/03/2026, was registered with Police Station Pachpawali, Nagpur, for the offence punishable under Sections 115(2), 118(2), 189(2), 191(2), 191(3), 296 and 351(3) of the Bharatiya Nyaya Sanhita, 2023. Total six accused are named in the FIR.

4. The learned counsel for the applicants argued that the names of accused are not properly mentioned in the FIR. Coming to the story advanced by the prosecution he has submitted that it is alleged in the FIR that, the Nagpur Municipal Corporation had undertaken some development

work of the drainage system. The work was going on near the house of informant. On 02/03/2026, a quarrel took place on the count of putting water pipe in the drainage, in which, accused persons assaulted by means of fists and blows. The learned counsel for the applicants submits that neither any weapon was used nor was the quarrel premeditated. He submitted that, even the accused party had lodged the FIR regarding the same incident. According to him, none of the applicants has any criminal antecedents.

5. In the aforesaid background, the learned counsel for the applicants has submitted that no specific role is assigned to the present applicants. He has further argued that the allegations in the FIR, if perused, would reveal that no dangerous weapons are used in the offence. He further argued that victim/injured was taken to the hospital and since there was no threat to his life, he was discharged from the hospital.

6. Per contra, the learned APP submitted that so far as applicant no. 2 who is referred as Mohd. Aslam Moh. Sarif Siddiqui in the FIR is concerned, it is categorically stated that he had assaulted by fist blows and with bracelet (Kada) on the nose of the injured. He thus submitted that considering the nature of injury i.e. displaced fracture to the nasal bone and nasal spectrum which are grievous in nature, application be rejected.

7. Total six accused are named in the FIR out of which two have approached this Court. So far as the accused no.1 is concerned who is referred as Mohd. Ikteshan Moh. Aslam in the FIR has assaulted by means of brick on the right hand of the informant. As far as the applicant no. 2 is concerned, it is already observed that he has caused grievous injury to the informant by means of fist blows, more particularly, by bracelet on the nose and face of the injured. The medico legal certificate has been produced by learned APP for my perusal. The informant has not sustained injury to his hand and therefore, so far as applicant no. 1 is concerned, I am of the opinion that the parameters for granting anticipatory bail would be totally different. As regards the role qua the applicant no. 2 is concerned, he has caused injury by fist blows, more particularly, by bracelet on nose and face. The injury certificate speaks about fracture to the nasal bone which corroborates the version of the Investigating Agency. Considering the role played by the applicant no.2, his claim for anticipatory bail cannot be entitled just because the informant is out of danger as on date.

8. At this stage, what is required to be seen while deciding anticipatory bail application is whether prima facie case is made out or not. In view of the aforesaid discussion, following order is passed:

ORDER

- i) The Criminal Application of applicant No. 2 – Mohd. Aslam Moh. Sarif Siddiqui is rejected.
- ii) The Criminal Application of applicant No. 1 Mohd.

Ekhtesham Moh. Aslam is allowed.

iii) In the event of arrest in connection with Crime No. 137/2026, dated 03/03/2026, was registered with Police Station Pachpawali, Nagpur for the offence punishable under Sections 115(2), 118(2), 189(2), 191(2), 191(3), 296 and 351(3) of the Bharatiya Nyaya Sanhita, 2023, the applicant no.1 Mohd. Ekhtesham Moh. Aslam be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

iv) The applicant No. 1 Mohd. Ekhtesham Moh. Aslam shall attend the concerned Police Station as and when called by the Investigating Officer and shall cooperate in the investigation.

v) The applicant No. 1 Mohd. Ekhtesham Moh. Aslam shall not tamper with the prosecution evidence or threaten the prosecution witnesses.

vi) The applicant No. 1 Mohd. Ekhtesham Moh. Aslam shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)