



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

CRIMINAL APPLICATION (ABA) NO. 401 OF 2026
(Mukhtar Ahmad Nisar Ahmad Siddique V/s 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
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Mr. R. K. Tiwari, Advocate for Applicant.
Ms. R. V. Sharma, APP for Non-applicant/State.

CORAM : PRAVIN S. PATIL, J.
DATE : JUNE 12, 2026.

. Heard.

2. By the present Application, Applicant is seeking pre arrest bail in Crime No. 212/2026 registered with Police Station, Pachpaoli, Nagpur for the offence punishable under Sections 109, 115(2), 118(1), 189(4), 191(3), 351(3) and 352 of Bhartiya Nyay Sanhita, 2023.

3. At the outset, learned Counsel for the Applicant has pointed out to this Court that vide order dated 22/5/2026 this Court by recording reasons has granted ad interim protection to the Applicant and also directed to co-operate the investigation agency. According to the Applicant, he has regularly visited the Police Station, Pachpaoli and extended his co-operation in the investigation.

4. The learned APP has strongly opposed the present

Application. According to the learned APP, in the present matter on 3/4/2026 the complaint was lodged by the Informant namely, Shakil Ahmad @ Nizamuddin Siddique alleging that he had quarrel with the co-accused namely, Irshad Ahmad who is residing near the house of Informant. According to the Informant, said Irshad Ahmad runs a gas repair shop and engaged in transferring gas from long cylinder to small cylinder. On the date of incident at around 2.30 p.m. the accused Irshad Ahmad and his sons were transferring gas from long cylinder to small cylinder due to which odour of gas was spread into the near house, and therefore, the Informant asked the accused persons to stop this activity and on that point there was a quarrel in between them.

5. It is submitted by the learned APP that Irshad Ahmad and his sons, with intent to kill the Informant, assaulted him by means of iron rods and wooden sticks. Due to this quarrel and shouts of Informant, his sons Mohammad Ashraf, Mohammad Aasif and other persons came to intervene them. Thereafter Irshad Ahmad's brother Mukhtar Ahmad i.e. present Applicant and Afsar Ahmad @ Mona and Naushad Ahmad, who were armed with iron rods and wooden sticks, came there and assaulted the Informant, his sons and Bashir Ahmad by means of iron rods and wooden sticks. Due to the said assault, Informant sustained injuries on his both hands, head and left leg while the sons of Informant sustained injuries on head. Accordingly, on the basis of this fact, an offence came to be registered in the present matter. As such, the

learned APP states that the Applicant is not entitled for pre arrest bail.

6. The learned Counsel appearing for the Applicant has pointed out that there is a counter-complaint at the instance of co-accused against the Informant in the matter. It is pointed out that the present Applicant has sustained serious injuries and he was hospitalized for 10 days. Therefore, according to him, there are rival allegations against each other in the matter.

7. It is also pointed out by the learned Counsel for Applicant that the genesis of the crime has not been disclosed in the matter. Complainant and his family members were aggressors and scuffle was took place at their instance. According to him, there is a counter-complaint and both the parties are involved. He further stated that as per the direction given by this Court while granting interim protection, the Applicant has already extended co-operation to the investigation agency, and therefore, considering this fact he is entitled for pre arrest bail.

8. In the facts and circumstances, considering the fact that counter-complaint is lodged by the co-accused against the Informant and the present Applicant himself was injured in the present crime, in my opinion, custody of the Applicant would not be necessary in the matter. In the result, following order is passed.

ORDER

1. Criminal Application is allowed.
2. In the event of arrest in Crime No. 212/2026 registered with Police Station, Pachpaoli, Nagpur for the offence punishable under Sections 109, 115(2), 118(1), 189(4), 191(3), 351(3) and 352 of Bhartiya Nyay Sanhita, 2023, the Applicant – Mukhtar Ahmad Nisar Ahmad Siddique be released on furnishing PR Bond in the sum of Rs. 50,000/- with one solvent surety in the like amount.
3. The Applicant shall attend the concerned Police Station as and when directed by the Investigation Officer by issuing pre-intimation notice to the Applicant.
4. The Investigation Officer is directed to give one day prior intimation to the Applicant as and when his presence is required.
5. The Applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned, and shall not change the same till the final disposal of the case.
6. The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

7. The Applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Police.
 8. The Applicant shall maintain law and order.
 9. In case of breach of any condition, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.
9. The Criminal Application stands disposed of accordingly.

[PRAVIN S. PATIL, J.]

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