

MHAK010008782026



Cri. B. Apl. No.140/2026

Master Musaib Khan and Ors. Vs. State

Order below Exh. No. 01.

[Passed on 17th March, 2026]

The applicant Nos. 1] Master Musaib @ Musaib Khan Shoaib Khan, 2] Muzammil Raza Khan Yusuf Khan and 3] Shaikh Aadil Shaik Shabbir have moved this application under section 483 of the BNSS, 2023 seeking bail in **crime No.348/2025** for offences punishable U/s. 115(2), 125 (A), 125 (B), 109(2), 190, 192(2) of Bhartiya Nyaya Sanhita, 2023, registered with police station Ramdas Peth, Akola.

The Prosecution case in brief as follows :-

02] On 11.12.2025, the informant/victim namely, Ansar Khan Maheboob Khan has lodged report to Police Station Ramdas Peth by alleging that on 22.11.2025 at about 10.30 p.m. he was carrying his daughter namely Jannat Fatema to hospital by Motorcycle. At that time, near to Nita Guest house, the accused namely Mehendi Hasan Khan Maheboob Khan stopped him and developed quarrel by asking explanation why he had not permitted to keep articles in his house and why he has lodged report regarding said incident to the police station. At that time, he gave fight over his head due to which he fell on the ground. Thereafter, the other accused persons namely Muse Kha Shoeb Sameer Khan, Mujmil Khan Usuf Khan and Aadil Khan along-with other four to five unknown persons beat him by giving fists and legs blows. In the said incident, he has sustained multiple injuries over his head, chest, hand and leg. Thereafter, he was admitted to the Government Hospital and treated there for some days. Thereafter, he was admitted to the Private Hospital namely

Afza Multi-specialty Hospital where his statement cum report is recorded.

03] It is the contention of applicants that they are falsely implicated in this case. In fact, the investigation is completed and they are behind the bar since 17.12.2025. The one of the accused namely Uman Khan is already released on bail by Hon'ble High Court. Therefore, as per rule of parity they are also entitled for bail. Not only that but now their further custody is absolutely unnecessary. They are ready to abide all the conditions if and then imposed by the Court. Therefore, they prayed to release them on bail.

04] Per contra the Ld. APP and I.O. have strongly opposed the application on the count that the offence is of serious in nature. The one of the accused namely Mehendi Hasan Khan is absconded. The possibility of pressurizing the informant and witnesses cannot be ruled out. Therefore, they have prayed to reject the bail application.

05] The informant has also strongly opposed the application on the count that the accused persons are pressurizing him and the possibility of tampering the evidence and again commission of new offence cannot be ruled out. His final surgery is to be done. Therefore, he is under treatment. The accused persons with intention to kill him beat mercilessly. Initially, the police machinery avoided to take serious cognizance of said offence. His condition is still serious. On this count, he prayed to reject the application.

06] Heard both the sides at considerable length. Perused the record. It clearly appears that this is the second bail application by same accused persons. Previously, they had moved application seeking bail which came to be rejected by order dated 01.01.2026. Therefore, it is only necessary to see whether there is any change in circumstances which could entitled the accused persons for bail.

07] The Ld. counsel for accused persons has prayed for bail on the ground of parity by referring the order of Hon'ble High Court releasing the accused namely Uman Khan on bail. On minute scrutiny of said order, it transpires that the said accused is released on bail on the count that the informant has not stated his name in the FIR and no any particular role is attributed to him. Per contra, the names of present accused persons are specifically mentioned in the FIR and specific role is attributed to them. Therefore, it is sufficient to show that the role of present accused persons and the circumstances are absolutely distinct from the accused namely Uman Khan and therefore, in my considered opinion that the rule of parity can not be applied to them.

08] Therefore, now it is necessary to see whether there are any other grounds which entitled the accused for bail. For the same, I have minutely scrutinized the previous order dtd. 01.01.2026. From the same, it clearly appears that at that time, the investigation was pending and the informant has made specific allegations that he is under treatment and the possibility of pressurizing him can not be ruled out. Therefore, on the said count, the relief of bail was turned down to said accused persons. Now, the circumstances are absolutely changed. The accused is not undergoing the treatment. In fact, he was present before the Court during arguments and the Ld. counsel for the informant has pointed out him to the Court. Therefore, it is sufficient to show that now, the informant is not undergoing any treatment. Moreover, it also appears that the informant is not raising any such apprehension of threat to him or his family in future with the hands of said accused persons. It also can not be ignored that now the investigation is completed and charge-sheet is filed in the Court.

09] Therefore, considering the said circumstances, it appears that there are definitely change in circumstances. It can not be ignored that

though the offence is serious but the accused persons can not be detained for indefinite period. One of the accused is absconded and therefore definitely the trial will take much time to proceed and to conclude. Hence, in such circumstances, I am of the opinion that the present accused persons needs to be released on bail. At the same time, some stringent conditions also needs to be imposed to avoid further apprehension of pressurizing the informant and witnesses. Hence, for the said reason, I proceed to pass following order :-

- **Order** -

- 01] The bail application No. 140/2026 is allowed.
- 02] The accused Nos. 1] **Master Musaib @ Musaib Khan Shoaib Khan**, 2] **Muzammil Raza Khan Yusuf Khan** and 3] **Shaikh Aadil Shaik Shabbir** be released on bail in connection with **Crime No.348/2026** registered with Police Station Ramdas Peth, Akola for the offence punishable U/s. 115(2), 125(A), 125 (B), 109(2), 190, 192(2) of Bhartiya Nyaya Sanhita on executing P.B. and S.B. of Rs. 25,000/- each.
- 03] The accused persons shall co-operate in the trial.
- 04] The accused persons shall not induce, threat, pressurize or promise to any witness who are acquainted to the facts of the case.
- 05] The accused persons shall not indulge himself in similar types of activities.
- 06] The accused persons shall not entered into the vicinity of Memon Colony, Dipak Chowk, Akola where the informant is residing till conclusion of trial.
- 07] Bail before concerned Ld. Magistrate Court.

Date :17.03.2026
Akola.

[**Rahul A. Shinde**]
District Judge-3 & A.S.J.
Akola

CERTIFICATE

I affirm that the contents of this PDF file are same word for word as per original order.

Name of Steno	:-	S. D. Tekade, Steno (Gr-II).
Court's name	:-	District Judge-3 and Additional Sessions Judge, Akola
Date	:-	17.03.2026
Signed by P.O. on	:-	17.03.2026
Uploaded on	:-	17.03.2026