

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

CRIMINAL APPLICATION (BA) NO. 431/2026
 (Saiyad Sahajad S/o Saiyad Majid Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. S.V. Sirpurkar, Advocate for applicant.
 Ms. S. Haider, APP for non-applicant/State.
 Mr. S. S. Ali, Advocate for assisting the prosecution.

CORAM: M. M. NERLIKAR, J.

DATED : 28/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.702/2025 registered with Police Station Khadan, Akola for the offences punishable under Sections 103, 109, 118(1), 115(2), 190, 191(1)(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution in short is that the informant lodged a report alleging that, on 31/08/2025 at about 08:00 p.m., informant along with deceased Sufiyan Khan, Sajid Khan Islam Khan and Mohammad Kaif Bakshulla Khan were smoking cigarette near Railway Line underpass at Malkapur side. At that time, four unknown persons came and inquired whether there is a girl present in the vehicle stating so, the unknown persons started

beating them. Two of them assaulted Sufiyan with knife. The informant along with Kaif ran towards the factory bringing help from factory workers. On returning he noticed that Sufiyan was seriously injured and he was bleeding. Sajid Khan was also assaulted and even the informant sustained some injuries. Sufiyan and Sajid were hospitalized. However, Sufiyan succumbed to the injuries. On the basis of the said allegations, First Information Report was registered against unknown persons.

4. The learned counsel for the applicant submits that the applicant was arrested on 01/09/2025. However, Test Identification Parade (“T.I. Parade”) was held on 03/10/2025. i.e. almost after one month of the incident. Even then the T.I. Parade conducted is defective on various counts. He further submitted that if it is accepted that the applicant was identified in T.I. Parade, however it is not clear from the entire papers of investigation about the role played by the applicant as to whether the applicant was amongst the two persons who initially came on motorcycle or the applicant was out of four persons who have actually assaulted the deceased Sufiyan, therefore, considering all these facts, absolutely there is no connection of the present

applicant with the alleged crime as the only incriminating fact against the applicant is the T.I. Parade.

5. On the other hand, the learned APP and the learned counsel assisting the prosecution were not able to point out what role has been played by the present applicant in the entire episode. They submitted that it is not clear from the investigation papers whether the applicant was amongst the two persons who initially came on motorcycle or the applicant was among those four persons who have actually assaulted the deceased Sufiyan. However, they submitted that the T.I. Parade discloses that the applicant was involved in the crime.

6. I have considered the rival submissions. Admittedly, Sufiyan died due to hemorrhagic and shock due to multiple stab injuries involving both kidneys (vital organs). It appears from the postmortem report that several injuries have been caused to the deceased. It further appears that it is a brutal murder. Though the applicant was arrested on 01/09/2025, T.I. Parade was conducted on 03/10/2025. Without commenting on the T.I. Parade, it would be useful to consider the fact that

even if the T.I. Parade is accepted and even if it is assumed that the applicant was identified in the T.I. Parade, however, the fact remains that whether the applicant was out of two persons who initially came on motorcycle or the applicant was amongst four persons who have actually assaulted the deceased Sufiyan is not clear from the entire investigation. It is further to be noted that no supplementary statement was recorded after T.I. Parade was conducted in order to ascertain what role has been played by each of the accused person. Even the learned APP concedes the fact that no supplementary statement was recorded. The Investigating Officer ought to have conducted thorough investigation when such a brutal murder has been committed. Under such circumstances, I left with no other option considering the material on record, but to release the applicant on bail. Now the investigation is complete, charge sheet is filed and there are no criminal antecedents, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Saiyad Sahajad S/o Saiyad Majid be released on bail in connection with Crime No.702/2025 registered with Police Station Khadan, Akola

for the offences punishable under Sections 103, 109, 118(1), 115(2), 190, 191(1)(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(iii) 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.

(iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant shall not enter into the vicinity where the informant and witnesses reside.

(vi) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

7. The copy of this order be sent to the Superintendent of Police, Akola so as to highlight the unmindful investigation of the Investigating Officer in the present case.

8. The above observations are prima facie in nature and restricted to the present application only.

(M. M. NERLIKAR, J.)