



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

CRIMINAL APPLICATION [BA] NO. 558 OF 2026.

Shahdat Khan Chote Khan

-VERSUS-

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

Shri P.V. Navlani, Advocate for the Applicant.
Ms M. Deshmukh, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MAY 05, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.95/2026 registered with Gadge Nagar Police Station, Amravati for the offence punishable under Sections 190, 191[3], 191[2], 189[4], 189[2], 352, 118[2], 109 of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. The first information report came to be lodged by



Gauri Chatrapati Pawar, alleging that on 27.01.2026 when their group of transgenders was standing near a tea stall, another transgender group abused them, and assaulted them with the help of sword and sickle, which were kept in an auto rickshaw. Due to which they sustained injuries. Hence the report.

4. The learned Counsel for the applicant submits that the applicant is the owner and driver of an auto-rickshaw. The accused usually used to hire his auto-rickshaw. On the date of incident also, his auto-rickshaw was hired for going to a ceremony, where the other group was also present and there was a scuffle between them and in that scuffle it is alleged that the accused persons have taken out sword and sickle from the auto-rickshaw of the applicant, and inflicted blows on the other group. So far as the role of present applicant is concerned, he has not assaulted any one. The limited role assigned to him as per the prosecution that he has used his auto-rickshaw for committing the offence by permitting the accused persons to keep arms. It is further submitted that in the supplementary statement recorded, the role attributed to

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the applicant is that of uttering words “maro” and instigating other accused persons. Thus considering the nature of allegations, the applicant deserves to be released on bail.

5. On the other hand the learned A.P.P. vehemently opposes the application by submitting that the applicant has not only helped the accused persons by carrying them to the spot of ceremony, but, also after commission of offence, he has helped them from fleeing away from the spot. It is further submitted that the applicant has actively participated in the aforesaid crime by instigating other accused persons by uttering words “maro”. There is recovery of weapons i.e. sword and sickle from the applicant. It is submitted that the accused persons were carrying weapons, which were kept in the auto-rickshaw of the applicant and thus, the applicant permitted them to keep the arms, and therefore, he is also part and parcel of the crime committed by the accused persons. My attention is invited to the injury certificate, wherein three persons have sustained grievous injuries, and therefore, according to the learned A.P.P. considering the nature of offence committed by the accused persons, the applicant does



not deserve to be released on bail.

6. I have considered the rival contentions of the parties. It is an admitted position that the applicant is the owner and driver of the auto-rickshaw. It appears from the record that the accused persons use to regularly hire the auto-rickshaw of the applicant, and on the date of incident also, it was so hired to go to one ceremony of “Badhai”. There was another group present on the spot, due to which a scuffle took place amongst both the groups and in that the co-accused have assaulted others with the help of sword and sickle. It also appears from the record that there is hardly any role attributed to the applicant in the entire episode. From the supplementary statement recorded by the investigating officer, there are allegations of instigation by the applicant for assaulting other group, however, the allegations of assaulting is made against the other co-accused. Prima facie it appears that the applicant has played a very limited role in the entire episode. Thus, considering the nature of allegations, coupled with the fact that the investigation is complete, charge sheet is filed, and that the applicant is in jail since 27.01.2026, I am



inclined to grant bail to the applicant. Hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Shahdat Khan Chote Khan be released on regular bail in connection with Crime No.95/2026 registered with Gadge Nagar Police Station, Amravati for the offence punishable under Sections 190, 191[3], 191[2], 189[4], 189[2], 352, 118[2], 109 of the Bharatiya Nyaya Sanhita, 2023 (BNS), Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) 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.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence

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without prior intimation to the Investigating Agency.

- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE