IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CRIMINAL APPEAL NO. 533 OF 2026

Mehmood Bismillah Patel
VERSUS
The State Of Maharashtra And Another

Mr. N. S. Ghanekar, Advocate for Appellant
Mrs. P. J. Bharad, APP for Respondent No.1.State
Mr. S. M. Kulkarni, Advocate for Respondent No. 2

CORAM : R.M. JOSHI, J
DATE : OCTOBER 07, 2026

P. C. :

1. At the outset, learned Counsel for the Appellant files affidavit in tune with judgment of Supreme Court in case of ***Zeba Khan v. State of U.P. & Others, 2026 INSC 144***. The same is taken on record.

2. Appellant seeks regular bail in connection with C.R. No. 511 of 2024 registered with Jalgaon City Police Station, Jalgaon, Dist. Jalgaon for offences punishable under Sections 103(1), 109, 191(2), 191(3), 352(2), 352 read with Section 190 of Bharatiya Nyaya Sanhita 2023 and Sections 3(1)(r), 3(1)(u), 3(2)(v) Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.

3. In short, it is the case of the prosecution that there was a dispute between the informant's said and accused person over trifle issue of cricket. An incident occurred on 20.11.24 in which Siddharth Wankhede

was assaulted by Appellant and co-accused. He died owing to the said injuries. Offence came to be registered against accused persons.

4. Learned Counsel for the Appellant submits that herein this case there is absolutely no evidence in order to show that the Appellant has caused any assault on the deceased in order to attract any offence, much less offence punishable under Section 103(1) of the Bharaiya Nyaya Sanhita. He drew attention of the Court to the charge sheet, which according to him, indicates that except for the statement of interested witness, none of the eye witness claims present Appellant to be assailant. According to him, CCTV footage and transcript thereof conclusively shows that Appellant is not the assailant and in fact he sustained injuries in the said incident as he was assaulted. He also seeks parity since co-accused Aavesh and Sanjay are granted bail by this Court and Session Court respectively.

5. Learned APP and learned Counsel for the Informant opposed grant of any relief to the Appellant. It is the contention of learned APP that there are statements of witnesses which indicate involvement of the Appellant in the crime, which is of serious in nature. She drew attention of the Court to the charge-sheet and evidence collected during the course of investigation.

6. Learned Counsel for the informant submits that there are criminal antecedents against the Appellant, which disentitles him from any relief. According to him, there are statements of eye witnesses which are supporting the allegations against the Appellant in the FIR. With regard to grant of any bail to accused Aavesh, it is his submission that bail came to be granted to the said accused for the reason that the said accused is of young age and was pursuing the course in law. It is his submission that merely because Sessions Court has committed error in granting bail to the co-accused, automatically bail cannot be granted to the present Appellant.

7. Prima facie perusal of the charge-sheet indicates that save and except statement of interested witness, there are no statements of independent witnesses showing any overt-act being committed by the present Appellant in the crime in question. Though there is allegation in the FIR that present Appellant along with co-accused Aavesh and Sanjay caused assault on the deceased, this contention of the informant prima facie gets falsified in view of the CCTV footage and transcript thereof. CCTV transcript, on the contrary, indicates that the present Appellant was not carrying any weapon and in fact he was assaulted by the informant's said. Thus, apart from the fact that the co-accused with similar role are granted bail, even on merit, Appellant deserves to be enlarged on bail. Merely because there are criminal antecedents against Appellant, in absence of any overt-act being

committed by him in the crime in question, there would be no justification for denial of bail. Similarly placed co-accused Sanju has been granted bail on merit by order dated 26.11.2025 by Trial Court. Admittedly, the said order has not been challenged by prosecution or informant till date. Thus, even on parity Appellant deserves relief.

8. In view of above, Appellant deserves to be enlarged on bail by allowing Appeal. Hence, the order:

O R D E R

(i) Criminal Appeal is allowed.

(ii) Appellant in connection with C.R. No. 511 of 2024 registered with Jalgaon City Police Station, Jalgaon, Dist. Jalgaon for offences punishable under Sections 103(1), 109, 191(2), 191(3), 352(2), 352 read with Section 190 of Bharatiya Nyaya Sanhita 2023 and Sections 3(1)(r), 3(1)(u), 3(2)(v) Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, shall be released on bail on furnishing PB and SB of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.

(iii) He shall attend each date of hearing before Trial Court unless exempted.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) Bail before Trial Court.

(R. M. JOSHI, J.)

Malani