

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2250 OF 2022

Imaran Abdul Latif Khan	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Keshav S. Chavan for the Applicant.
Ms. Anamika Malhotra, APP, for the Respondent-State.
Mr. Subhash S. Sawant – PSI Nirmal Nagar Police Station present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 8th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 253 of 2018 registered with Nirmal Nagar Police Station, Mumbai for the offences punishable under Section 302 of Indian Penal Code (for short “IPC”).

2. It is prosecution’s case that, applicant has assaulted deceased with knife. An sudden quarrel took place between applicant and deceased, due to that quarrel applicant assaulted deceased with

knife and due to said assault while taking treatment deceased died.

3. It is contention of learned counsel for the Applicant, the incident happened suddenly in spur of the moment, applicant had no intention to kill the deceased. Only one blow of knife that too on left hand of the deceased was given by the applicant. It shows that, applicant had no intention to kill the deceased but, unfortunately deceased died while taking treatment. Applicant is behind bar for more than five years. Investigation is completed and charge sheet has been filed. Hence, requested to allow the application.

4. Learned APP submitted that, the incident is seen by eye witness. Applicant assaulted the deceased with knife, due to assault deceased has died. The weapon (knife) used in the crime is seized at the instance of applicant. It shows the involvement of the applicant in the crime. If applicant is released on bail, he may threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge sheet.

6. Allegations against the applicant are that, applicant on sudden quarrel, gave blow of knife on left hand of deceased. Thereafter, deceased was admitted in hospital and while taking treatment deceased succumbed to injuries from the statement of eye witness, it appears that, the incident happened in spur of moment. Applicant had given one blows of knife on the left hand of the deceased. It shows that, it was not on vital part of the body of deceased. Applicant is behind bar for more than five years. Investigation is completed and charge sheet has been filed.

7. Considering the above facts, further detention of the applicant is not required.

8. In view of above, I pass following order.

ORDER

- (i) Applicant be released on bail in Crime No. 253 of 2018 registered with Nirmal Nagar Police Station, Mumbai on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

- (ii) Applicant shall attend the concerned police station twice in a month i.e. on first Saturday & fourth Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge. He shall attend the Court dates regularly.
- (iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) The application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)