

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

CRIMINAL BAIL APPLICATION NO. 3403 OF 2022

Irfan Akhtar Shaikh

...Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Ajay Bhise a/w Ms.Deepali Kedar i/b Mr.Samyak Gimekar, for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th OCTOBER 2023

P.C:-

1. By this Application, Applicant is seeking bail in Crime No.927 of 2021 registered with Dharavi Police Station, Mumbai, for the offence punishable under Sections 307, 504, 506 of the Indian Penal Code ('IPC' for short). After death of injured Section 302 of the IPC was added.

2. It is prosecution's case that, on 4th November 2021 there was quarrel between husband of first informant and

Applicant. In that quarrel Applicant assaulted on the head of husband of first informant with wooden block. Thereafter, he ran away from the incident spot. Husband of first informant was admitted in hospital in injured condition while taking treatment he died.

3. It is contention of the learned counsel for the Applicant that, incident was happened suddenly, there was no preparation or intention to kill the deceased. No weapon was used while assaulting the deceased. Applicant is behind bar more than two years. Hence, requested to allow the Application.

4. It is contention of the learned APP that, Applicant had threatened the witnesses who were present on the spot. He willfully assaulted on the head of the deceased with an intention to kill him. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

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

6. It appears from the record that, quarrel had taken place between Applicant and deceased on the ground of placing

garbage bag and in that quarrel Applicant assaulted the deceased with wooden block. The incident happened suddenly. No weapon was used to assault deceased. In the said assault deceased was injured and thereafter, while taking treatment he died. It appears that, the incident happened suddenly without preparation and planning. Investigation is completed and charge-sheet has been filed. Applicant is behind bar more than two years.

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

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

ORDER

(i) The Applicant be released on bail in Crime No.927 of 2021 registered with Dharavi Police Station, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Dharavi Police Station, Mumbai, once in a

month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)

NILAM
SANTOSH
KAMBLE

Digitally
signed by
NILAM
SANTOSH
KAMBLE
Date:
2023.10.10
18:35:15
+0530