

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

CRIMINAL BAIL APPLICATION NO. 3862 OF 2022

Imran Rasool Sayyed
Versus
State Of Maharashtra

...Applicant

...Respondent

Mrs. Misbaah Solkar a/w Mr. Umang Shah, Ms. Sumaiya Khan for
the Applicant.

Ms. Anamika Malhotra, APP, for the Respondent-State.

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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. I-04 of 2020 registered with Bhoiwada Police Station, Thane for offences punishable under Section 302 read with Section 34 of the Indian Penal Code (for short "IPC").

2. It is prosecution's case that, applicant assaulted the brother of first informant with knife, when he tried to takeover motorcycle, on that ground there was quarrel between them and applicant gave blow of knife on the chest of brother of first informant. He died due to said

injury.

3. It is contention of learned counsel for the applicant that, the incident had happened in spur of moment. There was no enmity between deceased and applicant. Investigation is completed and charge sheet has been filed. The co-accused is released on bail by this Court (Coram: Anuja Prabhudessai, J). Hence, requested to allow the application.

4. It is contention of learned APP that, applicant assaulted deceased with knife. The blow was given on vital part of the body of deceased. The applicant was carrying the knife. It shows his involvement 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.

6. Allegations against the applicant are that, while going on motorcycle due to dash, quarrel took place between applicant and deceased. Applicant and his friend assaulted the deceased with knife. There was only one blow given by the applicant. It appears that, the incident happened in spur of moment. There was no pre-planning of the incident. Applicant is behind bar for more than three years and

nine months. Investigation is completed and charge sheet has been filed.

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

ORDER

- (i) Applicant be released on bail in Crime No. I-04 of 2020 registered with Bhoiwada Police Station, Thane, 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 once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (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.)