



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

BAIL APPLICATION NO. 3959 OF 2023

AFTAB TAJJUMAL KHAN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Amin Solkar a/w Adv. Gaurav Shenoy for the Applicant.
Ms. Veera Shinde, APP for the State.
PSI Kshirsagar, Sewri Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 326, 323, 504 of the Indian Penal Code registered on 22/08/2023 vide C.R. No.102 of 2023 with Sewri Police Station.
- 3.** The date of the alleged incident is 21/08/2023. It is the case of the prosecution that there was a football match. Persons from the complainant's side had won the football

match. One of the persons from the side of the accused had abused the brother of the complainant. The complainant, therefore, had gone to the house of the relative of the accused to question them as regards the abuse. It appears that all of a sudden, the present applicant who is the cousin brother of the complainant started abusing the opposite party. The applicant ran into the kitchen and brought a knife with which he stabbed the victim. The victim received one injury on the left side of the stomach.

4. Learned APP opposed the application and invited my attention to the post-mortem notes which is at page No. 70 of the paperbook. It is submitted that the injuries are serious and there are eyewitnesses to the incident. It is further submitted that the injured witness who later died has himself narrated the incident and described that the applicant is the author of the injuries.

5. The incident appears to have happened in the spur of the moment. The victim died 3 days after the date of the incident. The applicant is 20 years of age. There are no

criminal antecedents to his discredit. The investigation is complete and the charge sheet is filed. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail as he does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Aftab Tajjuma Khan in connection with C.R. No.102 of 2023 registered with Sewri Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Sewri police station once in a month, first Monday of every month, between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport to the investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial Court to that effect.

6. The application is disposed of.

(M. S. KARNIK, J.)