

BHALCHANDRA
GOPAL DUSANE

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

CRIMINAL BAIL APPLICATION NO. 427 OF 2024

Salim Ibrahim Khan ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Zeeshan Siddiquie (through V.C.) a/w Mr. Hashim Ansari, Advocates for the Applicant.
Ms. Veera Shinde, APP for the Respondent-State.
A.PI., Mr. Amit B. Shete, Kondhwa Police Station, Pune City, present.

CORAM : MADHAV J. JAMDAR, J.
DATED : 2nd February 2024

P. C.

1. Heard Mr. Siddiquie, learned Counsel alongwith Mr. Hashim Ansari, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	433 of 2023
2.	Date of Registration of F.I.R.	25th April 2023
3.	Name of Police Station	Kondhwa Police Station, Pune
4.	Section/s invoked	302 of <i>I.P.C., 1860</i>
5.	Date of incident	25th April 2023
6.	Date of arrest	30th April 2023
7.	Date of filing Charge-sheet	27th July 2023

3. As per the prosecution case, in the morning on 25th April 2023 at about 9.00 a.m., when the incident in question took place opposite

Garib Nawaz Hospital, Kondhwa, the deceased informed the informant that as the Applicant was furiously looking at him, he asked about the same to the Applicant and some altercations occurred between the Applicant and the deceased. The deceased brandished the knife which he was carrying to threaten the Applicant and at that time, the Applicant snatched the said knife and assaulted the deceased with it.

4. It is the contention of learned Counsels appearing for the Applicant that the deceased in fact has assaulted the Applicant with a knife and that the Applicant has suffered stab wounds and grievous injuries to his abdomen. Learned Counsel submitted that in fact the Applicant was admitted to the Sasoon General Hospital, Pune from 24th April 2023 till 30th April 2023. It is submitted that the Applicant had acted in self-defence and that if he had not done so then the Applicant would have been killed in the incident.

5. Ms. Shinde, learned APP strongly opposed the Application. She pointed out injuries on the body of the deceased and submitted that there are total six injuries and most of them are grievous in nature.

6. The offence in this case was registered on 25th April 2023. The present Applicant was arrested on 30th April 2023 and Charge-sheet was filed on 27th July 2023.

7. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 27th July 2023.

As per the Charge-sheet, the prosecution has proposed to examine 15 witnesses. The trial is likely to take a considerably long time.

8. *Prima facie* there is some substance in the submissions of the learned Counsel appearing for the Applicant that even if the entire case of the prosecution is accepted, it remains a fact that the Applicant himself has suffered grievous injuries on vital parts of his body. Even as per the prosecution case, the knife was used by the deceased and the deceased assaulted the Applicant with the knife and grievously injured the Applicant and as a result of the same, the Applicant snatched the same knife from the deceased and assaulted the deceased.

9. The Applicant does not appear to be at risk of flight.

10. The Applicant does not have any criminal antecedents.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Salim Ibrahim Khan be released on bail in connection with C. R. No.433 of 2023 registered with the Kondhwa Police Station, Taluka-Kondhwa, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the

Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Kondhwa Police Station, Taluka-Kondhwa, District-Pune twice in every month on 1st and 3rd Monday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) 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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in

accordance with law, uninfluenced by the observations made in this
Order.

[MADHAV J. JAMDAR, J.]