



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

BAIL APPLICATION NO. 1158 OF 2024

MOHD KHALEEL YAR MOHD ANSARI ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Ravishankar Dwivedi a/w Adv. Anupama R. Dwivedi
a/w Adv. Sainath S. Baji for the Applicant.

Mr. B.B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 18, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is the second application for bail in respect of the offence punishable under Section 302 of the Indian Penal Code registered on 03/06/2022 vide C.R. No.397 of 2022 with Wadala T.T. Police Station, Mumbai. The earlier Bail Application No. 1616 of 2023 was withdrawn vide order dated 21/08/2023 with liberty to apply after 6 months. There is no progress in the trial.

3. The applicant was arrested on 04/06/2022. It is the

allegation that the applicant as well as the deceased were working in one company which was manufacturing clothes. The applicant as well as the deceased were working on a sewing machine. During tea time in the afternoon on 30/05/2022, the other employees who were on the ground floor heard shouts of the deceased. The deceased came down from the first floor. He had injury on his neck and was bleeding. The deceased was followed by the applicant who told the witnesses that there was a scissor on top of the sewing machine that fell on the deceased while he was sleeping which resulted in the injury. It is the prosecution case that it was the applicant who stabbed the deceased with the scissor on his neck.

4. Learned counsel for the applicant submitted that it is the applicant and other employees who took the injured victim to the hospital. According to the learned counsel for the applicant even assuming that the prosecution's case is true having regard to the materials, it can not be said that the applicant had any intention to kill the victim.

5. The prosecution's case would reveal that there was

some quarrel which took place between the applicant and the deceased for 7–8 days on the issue as to the place of sitting while working on the sewing machine. The deceased had abused the applicant on that pretext. The dispute between the applicant and the victim was resolved by other co-workers.

6. On the date of the incident, it is the prosecution's case that the deceased was upset with the applicant for having started the sewing machine and, therefore, he tried to catch hold of the applicant from behind. The deceased attempted to dislodge the applicant from his seat of work which angered the applicant. The applicant retaliated by stabbing the victim on his neck with the scissor which was lying on the table.

7. Learned APP opposed the application and submitted that there is a recovery of blood-stained scissor at the instance of the applicant.

8. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. The applicant is in custody for more

than 1 year and 9 months as an undertrial with no possibility of trial concluding any time soon. The charge has not yet been framed. The applicant does not appear to be a flight risk. The case is based on circumstantial evidence. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Mohd. Khaleel Yar Mohd. Ansari in connection with C.R. No.397 of 2022 registered with Wadala T.T. Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Wadala T.T. Police Station, once in three months, on the first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. commencing May 2024.
- (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.

9. The application is disposed of.

(M. S. KARNIK, J.)