

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2428 OF 2024

Adnan Noor Mohammed Seloth	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Shailesh Kharat a/w Mr. Jugal Kanani and Mr. Tanmay Kate, Advocates for Applicant.
 - Mr. Rishikesh M. Pethe, APP for State (through VC).
 - PI – Jyoti Hibare, Santacruz Police Station, Mumbai.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 20, 2025

P. C.:

1. Heard Mr. Kharat, learned Advocate for Applicant and Mr. Pethe, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No. 1169 of 2022 registered with Santacruz Police Station for the offence punishable under Sections 307, 324, 504 and 506(2) and under Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

3. Applicant is indicted in the present case for having caused injury to his father-in-law, brother-in-law and his own son as can be seen from the prosecution case. The alleged incident occurred on 15.11.2022 and Applicant was arrested on 19.11.2022.

3.1. On perusal of page No.25 of the Application which is the statement of First Informant who is the mother-in-law of the Applicant it is *prima facie* seen that there are two precursor incidents prior to the present incident in question. It is seen that on 14.11.2022 i.e. one day prior to the actual incident having happened there was a quarrel between the parties. From the record of the prosecution case it is seen that wife of Applicant along with children was residing at her father i.e. house of father-in-law of Applicant. Applicant was reluctant to take them back because despite the insistence of her parents due to which quarrel ensued between them one day prior to the actual incident. According to Applicant that quarrel escalated to the extent of serious abuses having been hurled at his mother due to which he was enraged and therefore on the following day at 23:25 hrs in the night he visited his father-in-law's place to reason out with him which is the incident spot.

3.2. The CCTV footage of capturing the visit of Applicant and he leaving the house after committing the crime has been placed at page No.72 of the Application. From the CCTV footage it is seen that Applicant entered his father-in-law's house with some pointed object / weapon in his hand but while leaving the house he was seen holding the alleged weapon i.e. knife in his hand. What transpired inside can be easily guessed. Witness statements are recorded.

3.3. A scuffle that ensued inside resulted in the father-in-law suffering two injuries one grievous and one simple; brother-in-law who intervened having received two injuries, one simple and one grievous; whereas son of the Applicant who also intervened suffered one injury which is described as both grievous and simple. The timings of the incident as can be gauged from the CCTV footage is the scuffle which took place inside the house when the assault was carried out by the Applicant.

4. *Prima facie* though learned APP Mr. Pethe would persuade the Court to consider the fact that assault was premeditated and planned by the Applicant since he was carrying a weapon or a weapon like object while entering the house of his father-in-law, however, after reading the chargesheet and various statements on record, I am of the *prima facie* opinion that there was an impending family dispute which enraged the Applicant. Family dispute pertained to matrimonial issues between Applicant and his wife and it has come on record that his wife and his children were living with her father and he refused to take them back due to whatever reasons. *Prima facie* it is seen that one incident led to another. Therefore *prima facie* the charge of attempt to murder as put forth by the prosecution would have to be proved by the prosecution only at the time of trial. Role, intent and motive of the Applicant *prima facie* arising out of the dispute and the precursor

incident which took place on the previous day which enraged the Applicant could be said to be the trigger to the incident and therefore I am inclined to give the benefit of doubt to the Applicant and enlarge him on bail.

5. Hence, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;

(ii) Applicant is permitted to furnish provisional cash bail of Rs.50,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks after his release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

(iii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

(iv) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

6. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on

the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

7. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]