

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3736 OF 2024

Afzal Sagir Ahmed Sayedd

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Siddharth Jaiswal, Advocate for Applicant
- Ms. Balraj B. Kulkarni, APP for Respondent - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 17, 2025

P. C.:

1. Heard Mr. Jaiswal, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent - State.

2. Mr. Jaiswal would inform the Court that the Applicant underwent surgery yesterday following which he has been discharged from the hospital and has been relegated back to the prison. He would submit that considering the health condition of Applicant post-surgery, the case of the Applicant be considered for bail on medical grounds.

3. Applicant stands indicted for offences punishable under Section 302 and 34 of IPC. He has been arrested on 12.02.2024. There are 3 accused persons in the crime which occurred on 11.02.2024.

4. Mr. Jaiswal would submit that no specific role has been attributed to the present Applicant. He would submit that one of the eyewitnesses has stated that the Applicant was merely a bystander and was not involved in the commission of the offence. He would submit that the incident in question occurred due to the victim having been dashed by the motorcycle which was driven by Applicant along with the two other co-accused persons. He would submit that victim was in an inebriated state at that time and upon collision, he started abusing the Applicant and the two other co-accused persons. He would submit that this precursor incident resulted in a verbal altercation which subsequently escalated into a physical confrontation and in a fit of rage and on the spur of the moment, one of the co-accused persons is alleged to have picked up a paver block lying on the road and inflicted a blow on the victim. He would submit that after sustaining the blow inflicted with the paver block, the victim attempted to stand up again and thereafter walked a few steps which is evident from the CCTV footage, but however owing to his inebriated condition and the impact of the injury, he collapsed once again on the road and sustained further injuries and thereafter became unconscious. He would submit that it is not ascertained as to which of the two co-accused persons assaulted the victim with the paver block from the prosecution case. He would submit that the Applicant has no criminal antecedents

whatsoever and was working as a tyre puncture mechanic. He would persuade the Court to consider the above facts as also the role attributed to the Applicant in the present crime for grant of bail to the Applicant.

5. In view of the above submissions made by Mr. Jaiswal, the learned APP is directed to verify the veracity of the above submissions. That apart considering the fact that Applicant has undergone an operation in hospital yesterday for removal of kidney stone and sent back to jail, considering his medical condition this Application will be heard and decided on the next adjourned date.

6. Stand over to **24th April, 2025.**

Amberkar

[MILIND N. JADHAV, J.]

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