

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 4269 OF 2024**

Mohammad Akram Tafazzul Khan

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Iqbal Shaikh i/b. Mr. Ganesh S. Pawar, Advocate for the Applicant.
Mr. Vinod Chate, APP for Respondent – State.

CORAM : SHIVKUMAR DIGE, J.**DATED : 9th JANUARY, 2025.****P.C. :**

1. By this application applicant is seeking regular bail in C.R.No. 296 of 2018 registered with APMC Police Station, Vashi, Navi Mumbai under Section 302 read with 34 of Indian Penal Code, 1860.

2. It is prosecution's case that on earlier day of incident there was quarrel between the deceased and applicant. On 30.10.2018 at around 8:30 a.m. there was quarrel between the applicant and deceased Saeed Mansoori. At that time applicant and co-accused assaulted the deceased with wooden rods, due to said assault Saeed fell on ground and died while taking treatment.

3. It is contention of learned counsel for the applicant that applicant is behind bar more than six years, yet trial has not been concluded. The weapon used in the crime is wooden rod. The incident

occurred due to sudden quarrel. It may take time to conclude the trial. This Court earlier had permitted the applicant to file fresh bail application if trial is not completed within one year but trial is not completed within stipulated time, hence requested to allow the application.

4. Learned APP strongly objected to allow the application on the ground that due to assault of the applicant and co-accused, deceased died. There are eye witnesses to the incident. Applicant assaulted the deceased with wooden rod. If applicant released on bail, he may threaten prosecution witnesses and may abscond. The trial is in progress. Five witnesses are examined and trial would complete within short period, hence requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet. The allegations against the applicant are that he and co-accused assaulted the deceased with wooden rod. It appears that the death of the deceased caused in sudden quarrel. The applicant had not brought any weapon. He took out weapon lying near the incident spot. Applicant is behind bar around six years yet trial has not been completed. Earlier on two occasions, the applicant was permitted to file fresh bail application if trial is not completed within one year but trial has not been completed within reasonable time. It may take time to conclude the trial. Considering these facts, I pass following order:

ORDER

- (i) The Application is allowed.
- (ii) The applicant be enlarged on bail on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend trial Court dates regularly.
- (iv) He shall not influence or threaten the prosecution witnesses.
- (v) The Trial Court shall give Judgment on its own merit without influence of the observations of this Court. The observations of this Court are only for this bail application.

(SHIVKUMAR DIGE, J.)

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