

AGK

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

BAIL APPLICATION NO.4364 OF 2024

Alfran Chand Usman Khan	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Kuldeep S. Patil with Ms. Sampada S. Patil and Mr. Dhaval Sihn Patil for the applicant.

Mr. Mayur Sonavane, APP for the respondent-State.

Mr. Eknath Nalawade, GPSI, Arnala Police Station, is present.

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CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail. The application arises out of Crime Register No. 31 of 2024 registered with Arnala Police Station for the offence punishable under Section 302 of the Indian Penal Code, 1860 (i.e., offence of murder).

2. As per the case of the prosecution, the applicant and the deceased got acquainted through a social media platform. They were regularly in contact with each other through WhatsApp messaging. On the night of 21 January 2024, at about 12:11 a.m., the applicant went to the flat where the deceased resided. It is alleged that the applicant was in urgent need of money and hence

demanded Rs.15,000/- from the deceased. The deceased is said to have agreed to pay the amount. However, the deceased allegedly tried to engage in physical intimacy with the applicant. At this point, the applicant, as alleged, took a razor blade and cut the blood vessels of the right wrist of the deceased. Thereafter, he also slit the blood veins of the left wrist. The incident allegedly continued till about 4:20 a.m., after which the applicant is stated to have changed his clothes, taken with him the deceased's mobile phone, a cloth box, and the bank passbook of Maharashtra Bank, and then fled from the scene.

3. The applicant was thereafter arrested by the police on 23 January 2024.

4. Learned advocate appearing for the applicant submits that, as per the case of the prosecution itself, the CCTV footage shows the applicant entering the building of the deceased at 12:11 a.m. and leaving at about 4:21 a.m. Further, the laptop and mobile phone of the deceased have been recovered from the possession of the applicant. The statement of the building watchman corroborates that the applicant was seen leaving the premises at around 4:20 a.m. The learned advocate further submits that the injuries found on the deceased do not appear to have caused immediate death. There are no visible signs of struggle, nor is there any evidence of scattered blood in the room where the incident occurred. These circumstances, he submits, cast a serious doubt as to whether the death was homicidal in nature. He further argues that there is possibility of the deceased having committed suicide, and that the applicant is being falsely implicated in the

case.

5. On the other hand, the learned APP opposes the bail and submits that the CCTV footage as well as the statement of the watchman clearly establish the presence of the applicant at the scene of offence during the relevant period. He further submits that articles belonging to the deceased, including the mobile phone, have been recovered from the house of a friend of the applicant, which establishes that the applicant left the place of incident with belongings of the deceased. According to the learned APP, at this stage, sufficient material exists on record to connect the applicant with the alleged offence, and therefore, bail ought not to be granted.

6. On perusal of the charge-sheet, the statements of witnesses, the post-mortem report, and other material on record, it appears that the cause of death, as recorded in the post-mortem, is shock due to bleeding from injuries on both wrists. The spot panchnama brought on record shows that the blood was not found scattered in the room, and there are no signs of struggle or resistance found at the place where the incident occurred.

7. Considering the nature and location of the injuries, prima facie, it does not appear to be a case of sudden or instantaneous death. There are no indications that the applicant attempted to forcibly open the door or escape in haste, which may have been expected in case of a violent altercation or panic after committing a homicidal act.

8. These surrounding circumstances create a reasonable doubt at this stage as to whether the death was indeed homicidal. The possibility of the incident being a case of suicide, though not conclusive, cannot be entirely ruled out at this stage. Whether the death was suicidal or homicidal is a matter that can only be determined after detailed appreciation of evidence during trial.

9. It is well settled that at the stage of considering bail, detailed examination of evidence is not permissible, and only a prima facie assessment is to be made. It is further trite that when the case is based solely on circumstantial evidence, the prosecution must establish a complete chain of circumstances which unerringly points only towards the guilt of the accused.

10. In the present case, the prosecution has relied mainly upon the CCTV footage, last seen theory, and recovery of articles from the applicant. However, these circumstances are not sufficient at this stage to conclude that the death was conclusively homicidal and caused by the applicant.

11. The law is well settled that mere suspicion, however strong, cannot take the place of proof. The distance between suspicion and proof has to be bridged by credible evidence, and suspicion alone cannot form the basis of conviction.

12. Considering the above aspects and the fact that the applicant is in custody since 23 January 2024, and that the investigation is complete and charge-sheet is filed, further pre-trial incarceration is not necessary. The purpose of bail is not to punish before conviction, but to ensure the accused's presence at trial.

13. Accordingly, in my considered opinion, the applicant deserves to be released on bail, subject to stringent conditions, to ensure that he does not tamper with evidence or influence witnesses.

14. Hence, the applicant has made out a prima facie case for release on regular bail. Hence, following order:

(a) The bail application is allowed.

(b) The applicant shall be released on bail in connection with Crime Register No.31 of 2024 registered with Arnala Police Station for offences punishable under Section 302 of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court.

(c) The applicant shall attend the Trial Court on every date of hearing, unless specifically exempted by the Court.

(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 him from disclosing such facts to the Court or to any police officer.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.

(f) The applicant shall report to the concerned Police Station on the first Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.

(g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

15. The bail application stands disposed of in above terms.

(AMIT BORKAR, J.)