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

CRIMINAL BAIL APPLICATION NO. 4509 OF 2024

Tahiyad Ali Insan Ali Ansari

Applicant /
.. Accused

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Shaibaz Khokhara a/w. Santoshi Thakur, Advocates for Applicant.
 - Ms. Savita M. Yadav, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 06, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Mr. Khokhara, learned Advocate for Applicant and Ms. Yadav, learned APP for Respondent – State.
- 3.** This is an Application under Section 439 of the Code of Criminal Procedure, 1973 seeking Regular Bail in connection with C.R.No.I – 275 of 2024 registered with Manpada Police Station, Mumbai for the offences punishable under Sections 302 and 504 of the Indian Penal Code, 1860.
- 4.** Mr. Khokhara, learned Advocate for Applicant would point out to various discrepancies which are seen from the prosecution case for indictment of the Applicant. He would submit that First Informant

is the wife of the victim. The victim and the Applicant were next door neighbours.

5. On the date of incident at about 08:20 p.m., victim confronted the Applicant and questioned him in view his suspicious relationship with his wife i.e. the First Informant. The confrontation resulted in a verbal altercation which escalated into a fight between the parties. Victim was in an inebriated state. Equally Applicant was also intoxicated. Victim was injured by infliction of a blow on his head due to a hard object. First Informant took him to a private hospital for treatment. After receiving treatment victim was discharged the following day and he returned back home. After he returned from hospital victim succumbed to his injury in his house. First Informant being aggrieved filed the complaint.

6. Mr. Khokhara, learned Advocate for Applicant would submit that Applicant is incarcerated for the last 9 months. He would submit that the incident occurred due to the altercation which escalated in a scuffle and fight and most importantly it happened on the spur of moment without any premeditation on the part of Applicant. He would submit that because of demise of victim on the following day, Investigating officer made recovery of a wooden stick / bamboo stick from the incident side as the weapon on the following day.

7. My attention is drawn by him to the PM Report appended at page No.65 of the Application. He would submit that the said report if seen would show that victim got injured due to a singular blow on his head as there is only one injury on his head. He would submit that since Applicant was confronted by victim due to the reasons delineated herein above, the incident in question occurred on the spur of moment which needs to be taken into account and Applicant's Application for bail be considered by the Court. Applicant has no antecedents.

8. In view of the above, learned APP is directed to take appropriate instructions from the Investigating Officer and make his submissions on the next adjourned date.

9. Stand over to **13th February 2025**. To be placed under the caption '**Supplementary Board**'.

[MILIND N. JADHAV, J.]

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