

VRJ

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

BAIL APPLICATION NO.4515 OF 2024

VAIBHAV
RAMESH
JADHAV

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Aadib Ahmed Ejaj Ahmed Shaikh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. M. K. Kochrekar with Akhilesh Singh for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

Mr. Uttam O., PSI, Shantinagar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime No. 572 of 2023 registered with Shantinagar Police Station for the offences punishable under Sections 302 and 506(2) read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution story, in brief, is that on 18th July 2023, around 10:00 PM, a quarrel took place in front of Wafa Complex, Gaibi Nagar, Bhiwandi, between the applicant and co-accused on one side and an unknown person on the other side over a minor issue. During the said quarrel, one Farhan, the deceased,

intervened to protect the said unknown person from being assaulted. At that time, it is alleged that the applicant and the co-accused started beating Farhan with fists. Suddenly, co-accused Adib Ahmad Ejaz Ahmad Shaikh allegedly pulled out a knife concealed in his shirt and inflicted a stab injury on Farhan's thigh. Due to this stab wound, Farhan sustained severe bleeding and was shifted to the hospital, where he succumbed to the injury during the course of medical treatment. Accordingly, an FIR came to be lodged at Shantinagar Police Station on 19th July 2023.

3. Learned counsel for the applicant has invited the attention of the Court to the narration of the incident and the postmortem report. It is submitted that only one stab injury is attributed to the applicant, which is located on the thigh region of the deceased. He further points out that the cause of death, as noted in the postmortem report, is "Death due to Hemorrhagic Shock." He submits that the injury, though unfortunate, does not reflect any premeditation or intention to cause death. Therefore, it is his contention that the offence under Section 302 of IPC may not be attracted in the facts of the present case. It is further submitted that the applicant has been in custody since 20th July 2023 and that charges are yet to be framed. The prosecution has cited as many as 38 witnesses. Hence, the trial is not likely to commence or conclude in the near future. The learned counsel, therefore, prayed that the applicant be released on bail.

4. On the other hand, the learned APP has strongly opposed the bail application. It is submitted that the stab injury caused by the applicant was on a vital part and was sufficient, in the ordinary

course of nature, to cause death. She submits that the nature and circumstances of the injury indicate that the act falls within the ambit of Section 302 of the IPC. Whether the case falls under Section 302 or under Section 304, is a matter which can only be decided at the time of trial upon full appreciation of evidence. She further submits that, considering the seriousness and gravity of the offence and the manner in which the assault was carried out, no case for granting bail is made out at this stage.

5. I have carefully considered the rival submissions advanced by both sides and have gone through the material placed on record, including the FIR, postmortem report, statements of witnesses, and the charge-sheet. It is not in dispute that the deceased Farhan died due to a stab injury on his thigh, which resulted in hemorrhagic shock. The postmortem report confirms that there was only one injury and it was located on the thigh region.

6. At this stage, it is necessary to note that the incident appears to have taken place during a sudden quarrel on the spur of the moment, and there is nothing on record to suggest that there was any prior enmity or premeditated plan to cause death of the deceased. The applicant is attributed a single blow with a knife during the course of the quarrel, and there is no material to show that he had any intention to cause death. Whether the offence falls under Section 302 or under Section 304 Part II IPC, is a matter that will have to be determined at the stage of trial after appreciating the entire evidence.

7. The applicant is in custody since 20th July 2023 and the charge-sheet has already been filed. The investigation is complete and there is no allegation that the applicant has tried to tamper with evidence or influence witnesses. The prosecution has cited 38 witnesses, and there is no likelihood of early conclusion of trial in near future. The applicant is a local resident and has roots in society. No material is placed on record to show that he is a flight risk or that he is involved in any other serious offence.

8. In such circumstances, further incarceration of the applicant during pendency of the trial would serve no useful purpose. Appropriate conditions can be imposed to ensure that the applicant does not misuse the liberty or hamper the trial.

9. Hence, the following order is passed.

i) The bail application is allowed;

ii) The applicant Aadib Ahmed Ejaj Ahmed Shaikh is directed to be released on regular bail in connection with Crime No.572 of 2023 registered with Shantinagar Police Station for offences punishable under Sections 302 and 506(2) read with Section 34 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 Trial Court, subject to the following conditions:

a) The applicant shall report the Shantinagar Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.

- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)