

Ajit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5066 OF 2024

Manish Ashok Maru ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Gaurav Bhawnani, *a/w Mayanka S. R. a/w Avesh Qureshi*
for the Applicant.
Ms. Manisha R. Tidke, *APP for the State-Respondent.*
PSI, V. J. Dhumal, *Tardeo Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 10th September 2025

PC:-

1. The Applicant seeks his release on bail in C.R. No. 427 of 2023, dated 14th October 2023 at Tardev Police Station, Mumbai for offences registered under Section 302 of the Indian Penal Code, 1860 ("IPC") and Sections 37 (1)(A) read with 135 of the Maharashtra Police Act, 1951.

2. The case of the prosecution, as inferred from the FIR is that the Applicant came out from the Building No. 4A and, armed with a sharp knife, stabbed the deceased, Mayur, son of

the first informant, on the left side of his neck and his stomach. The deceased was seriously injured. The Applicant then ran away. The deceased was taken to the Nair Hospital for treatment, where he was declared, having succumbed to the injuries. The first informant namely father of deceased thus, made a complaint to the police, pursuant to which the FIR was registered.

3. Heard Mr. Bhawnani, learned Counsel for the Applicant, Ms. Tidke, learned APP for the State.

4. Mr. Bhawnani, at the very outset, submits that the Applicant is in custody from 14th October 2023 i.e. from the date of the registration of the FIR. The charges were framed on 21st January 2025 and only yesterday one witness namely first informant i.e. father of the deceased was examined before the Trial Court. He draws my attention to the CCTV panchnama, which according to him, does not depict the time and place of the incident. He also showed me the CCTV footage which has been provided to him by the prosecution

only yesterday. According to him, the CCTV footage traces the movement of the Applicant from 23:19:25 up to 23:21:10. The footage collected from separate CCTV also shows the Applicant in a crowd on the road outside the building. He thus submits that the CCTV traces the movement of the Applicant from 23:19:25 up to 23:21:10 and it is only for 30 seconds that the Applicant is not visible to the CCTV footage. He thus states that it is not possible for the Applicant to have committed the said offence in the time span of 30 seconds and return to his building. The return of the Applicant to his building is also captured in the CCTV footage. He thus submits that the Applicant is innocent and has suffered incarceration unjustly, of almost 2 years, therefore, sought the relief as prayed.

5. *Per contra*, Ms. Tidke, learned APP submits that there are approximately 23 witnesses and 1 witness has already been examined. She submits that 3 eye witnesses have deposed that they saw the Applicant injuring the deceased. To

that, Mr. Bhawnani responds that the statements have been recorded after the period of almost 3 days from the date of incident.

6. Further, Ms. Tidke states that there is a short duration during which the CCTV has not captured the movements of the Applicant and it is in this time gap that the incident has taken place. She submits that the evidence must be appreciated during trial and not at the time of considering the present application seeking bail. It is not necessary for the Court to delve into these aspects. She also submits that the blood stained clothes and knife were recovered at the behest of the applicant. She thus, urges the Court to dismiss the present Bail Application.

7. Heard learned Counsel appearing for respective parties. Perused the papers and CCTV footage tendered by Mr. Bhawnani.

8. Undoubtedly, the evidence including the CCTV footage and other relevant evidence will be appreciated during the trial. However, *prima facie* from the CCTV, it does appear that there is a gap of only 30 seconds where the Applicant is not seen in the camera till the time he is seen running back to his building. *Prima facie*, it is unlikely that the Applicant may have committed the offence in a span of 30 seconds. In any case, the Applicant has suffered incarceration for a period of 2 years. The Trial Court is likely to take sometime to conclude the trial as only 1 witness is examined as on date.

9. It is settled law that the Court must not conduct a mini trial at the time of considering an application for bail. However, for the limited purpose of ascertaining if there exists a *prima facie* case in favour of the Applicant warranting a grant of bail, the material can be looked into for indicating the reasons thereof. Having considered the facts in the present case as well as arguments advanced by both the Counsel, I am

of the opinion that a case for bail is made out. The application is therefore allowed and it is directed as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial unless specifically exempted by the orders of the Court.
- iii) The applicant shall not enter the jurisdiction of Tardeo, ACP Division, Mumbai during the pendency of the trial, except to attend the Trial Court concerned, as directed hereinabove.
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

v) The Applicant shall not leave India, without permission of the trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Court concerned to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)