

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5067 OF 2024

Mohd Farooq Abdul Rehman Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr Ajay Tripathi, with Kavita Pawar, for the Applicant.

Mrs Megha S Bajoria, APP for the Respondent-State.

PSI Pildankar, Pairavi Adhikari attached to Antop Hill Police Station, present.

CORAM Dr. Neela Gokhale, J.

DATED: 20th September 2025

PC:-

1. The Applicant seeks his release on bail in connection with the FIR No.319 of 2024 dated 24th June 2024 registered with the Antop Hill Police Station, Mumbai for the offences punishable under Sections 302, 323, 504 and 506 of the Indian Penal Code, 1860.

2. The case of the prosecution as discerned from the FIR is that on 23rd June 2024 at about 11.00 p.m. at Noora Bazar near the Rajiv Gandhi Nagar Zopadpatti, there was a scuffle

between a few friends including the First Informant, the Applicant as well as the deceased. In the ensuing scuffle, abuses were exchanged by and between the friends and ultimately, in a fit of rage, the Applicant pushed the deceased with his hands on the chest due to which the Applicant fell on the pavement and suffered a head injury. All the friends took the deceased to the hospital where he was declared dead. He filed a bail application before the Additional Sessions Judge, Bombay and by an order dated 23rd October 2024, the bail application was rejected. Hence, he has filed the present bail application for the reliefs as prayed.

3. Mr. Ajay Tripathi, learned counsel appearing for the Applicant, submits that charge-sheet is filed but the charges are not yet framed. He submits that the alleged offence was committed in a free fight between the friends and there was no premeditated intention to commit the crime. He also submits that there are no criminal antecedents pertaining to the Applicant. He also submits that the Applicant is 35 years

of age and has a wife and a small child. He is the sole bread winner in his family and hence, he urges this Court to enlarge the Applicant on bail.

4. Per contra, Ms Megha Bajoria, learned APP representing the State, brings to my attention the post-mortem report, which clearly indicates that the injury was caused on account of assault on 23rd June 2024 at about 11.00 p.m. and the deceased was declared as ‘brought dead’ in the Sion Hospital immediately at 11.45 p.m. She also submits that the Applicant was arrested on 24th June 2024, i.e., soon after the incident and as such, there is no delay in conduct of the trial. She thus, resists the bail application.

5. Admittedly, the incident took place on 23rd June 2024 at 11.00 p.m. It was the arguments between friends, which led to the scuffle. All of them were hurling abuses at each other and in the course of this fight, it appears that the Applicant pushed the deceased, who fell on the pavement and injured his head. There does not seem to be any intent on the part of

the Applicant to commit the alleged offence. There is also no weapon involved in the said offence. The Applicant is 35 years of age and has a wife and a minor child. He is the sole bread winner in his family. Admittedly, he does not have any antecedents.

6. Considering the aforesaid, in my opinion, this is a fit case to be granted bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Antop Hill Police Station, Mumbai, on the 2nd and 4th Saturday of each month between 09:00 a.m. to 11:00 a.m. till the conclusion of the trial;

iii) The Applicant shall attend the Trial Court concerned on each and every date unless specifically exempted by the orders of the Trial Court concerned;

iv) The Applicant shall not enter the jurisdiction of Antop Hill Police Station, Mumbai during the pendency of the trial, save and except only to attend the Police Station and the Trial Court as stipulated as conditions of this order;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

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

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

viii) The Applicant shall inform his latest place of residence and mobile 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;

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

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

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

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the

learned Trial Judge to decide the case on its own merits,
uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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signed by
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