

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5153 OF 2024

Imran Kayyum Khan

.. Applicant

Versus

State Of Maharashtra

.. Respondent

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- Mr. Tohid Shaikh a/w Ms. Anjali Patil, Advocate for Applicant.
 - Ms. Mahalakshmi Ganapthy, APP for State.
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 04, 2025

P. C.:

1. Heard Mr. Shaikh, learned Advocate for Applicant and Ms. Ganapathy, learned APP for State.

2. *Prima facie* it is seen that Applicant is suffering a medical condition namely tumor. In that view of the matter present Application shall be heard on the next adjourned date on merits. Applicant is incarcerated since 10.05.2022. Charge has been framed. Trial has not commenced.

3. Applicant is the step-son of the deceased victim. Mr. Shaikh, learned Advocate for Applicant would submit that incident which has occurred leading to fatality of the victim - step-mother was on account of a sudden provocation happening at the spur of the moment. He would submit that Applicant was a school bus driver and he suspected that his step-mother used to feed information against

him to his father. On the fateful day Applicant wanted to take his sister out and when he sought permission from his father but he refused and asked them to return back to the house. Applicant suspected that his step-mother had fed his father's ears due to which his father reprimanded him. On his return to the house he encountered his step-mother outside the house as she was leaving and persuaded her to come inside the house in order to talk to her. A verbal altercation and quarrel ensued between them inside the house in front of his sister and in a fit of rage and anger Applicant picked up a kitchen knife from the house and inflicted a singular blow on the victim - step-mother.

4. My attention is drawn by Mr. Shaikh to the order dated 9th January, 2024 appended at page No.154 of the Application which is the rejection order of previous Bail Application of Applicant. In that order this Court has observed that if the trial would not be completed within a period of one year, Applicant would have liberty to approach this Court. In that order this Court also directed the trial Court to commence and complete the trial within a period of one year from the date of that order. Therefore, Applicant has approached this Court. It is however informed that trial has not yet commenced rather is at a complete standstill as it is from the date of passing of the previous order. Applicant undoubtedly would be entitled to Bail considering the aforesaid facts.

5. Learned APP is directed to ascertain veracity of the aforesaid facts and apprise the same to the Court on the next adjourned date. This Application shall be considered for hearing and disposal on the next adjourned date which shall be noted by the prosecution.

6. Stand over to 9th April, 2025 (at 02:30 pm).

PR. Rajput

[MILIND N. JADHAV, J.]