

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

**INTERIM APPLICATION NO.4813 OF 2024
IN
CRIMINAL APPEAL NO.974 OF 2021**

Ansar Abdul Khan	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Adv. Rumman Shaikh a/w Bilal Shaikh i/by Adv. Husen Shaikh, for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATED : 18th JUNE, 2025

P.C. :-

1) The Applicant is seeking his release on bail pending his Criminal Appeal No. 974 of 2021. In the past he had preferred an Interim Application No.2248 of 2022 in the same Appeal for his release on bail. However, at that time the learned counsel for the Applicant did not press that Application and sought liberty to renew his prayer for bail after 12 months from 23rd August, 2023. The Application was allowed to be withdrawn with such liberty. Pursuant to the said liberty, the present Application is filed as more than 12 months have passed from 23rd August, 2023. Therefore, we have heard the learned counsel for the Applicant on

merits of the matter.

2) The prosecution case is that in the midnight of 12th & 13th July, 2018 the Applicant came to Turbhe police station and informed the police that he had thrown a stone on the head of one person below Turbhe bridge. The person approaching the police was the Applicant himself. He took the police to the spot and showed the injured Shafiq Shaikh. The Applicant further told the police that Shafiq had taken Rs.420/- from the Applicant's pocket at 6:00 p.m. and because of that reason, being angry the Applicant threw a stone on his head. The police took the injured to Municipal Corporation Hospital at Vashi, Navi Mumbai. Subsequently, the injured Shaifq succumbed to his injury. In the meantime the F.I.R. was lodged and the Applicant was arrested on 13th July, 2018 and since then he is in custody.

3) Learned counsel for the Applicant submitted that there was no intention of the Applicant to commit the murder of the deceased. The offence took place on the spur of moment because of a sudden quarrel as the deceased had taken the Applicant's money forcibly. The Applicant was a poor person and therefore, as a reaction this incident took place. He therefore submitted that the offence would not be the one punishable under Section 302 of the I.P.C. but would be a lesser offence. The Applicant is already in custody since July, 2018.

4) Learned APP fairly submitted that there is force in the submissions of the learned counsel for the Applicant. We have considered

these submissions. The conduct of the Applicant was that he himself had approached the police station. He is not a hardened criminal. The incident had occurred because of his poor financial state as the deceased had taken his money. It was a sudden quarrel and the evidence of the Medical Officer shows that, it was a single blow on the head. Dr. Anil Pundge, who had conducted the post-mortem examination was examined as PW10. He has stated that all the injuries noticed during the post-mortem examination were arising out of a singular injury.

5) Thus we find force in the submissions of the learned counsel for the Applicant that it could be a lesser offence. The Applicant is already in custody since July, 2018. The Appeal is not likely to be decided in near future. Therefore, we are inclined to grant bail pending the Appeal to the present Application. Hence, the following Order.

:: ORDER ::

- a) During pendency and final disposal of the Criminal Appeal No.974 of 2021, the Applicant is directed to be released on bail on executing P. R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- b) The Application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL J.)