

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

Criminal Bail Application No.350 of 2025

Feroz Ahmed Shaikh

Age: 30 years,

R/at- Varhedarna,

Tal- Niphad, Dist – Nashik.

(At present Nashik Road Central
Prison, Nashik)

... Applicant

Versus

The State of Maharashtra

(At the instance of the P.I. -

Saikheda Police Station, Nashik.)

... Respondent

Mr Amit Icham, a/w Mr Aniket Nikam, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

HC 2459 PS Bhabad, Saikheda Police Station, Nashik Rural, is
present.

Coram: R.N. Laddha, J.

Date: 17 October 2025.

P.C.:

By this application, the applicant seeks bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with CR No.991 of 2021, registered with Saikheda Police Station, Nashik Rural, for the offences punishable under Sections 302, 307, 504, and 506 of the Indian Penal Code (IPC).

2. It is the case of the prosecution that, on 19th July 2021, at about 10:45 p.m., the informant's son returned to his residence in

an inebriated condition. Upon being questioned by the informant regarding his whereabouts, the son disclosed that he had been consuming alcohol in the company of his friends at Sahyadri Hotel. Approximately ten minutes thereafter, the applicant, one of the said friends, who had been present with the informant's son at the hotel, arrived at the informant's residence and began vociferously calling out to the son, demanding that he come outside. Apprehending danger, the informant's son secured the premises by shutting and bolting all entry points. However, the applicant began aggressively kicking the door.

3. In light of the escalating situation, the informant's son telephonically contacted the former Sarpanch of the village and apprised him of the incident. He further conveyed that the applicant outside the door had issued threats to his life. Responding promptly, the former Sarpanch arrived at the informant's residence. At that juncture, the informant, along with his wife and son, stepped outside the house to confront the applicant/aggressor. Upon sighting the informant's son, the applicant began hurling verbal abuses and demanded to know why the son had failed to settle certain dues. Without provocation, the applicant assaulted the informant's son with the intent to commit his murder. The informant and the former Sarpanch attempted to intervene and restrain the applicant; however, the latter brandished a knife and inflicted a grievous

stab injury upon the informant's son. The injured victim was immediately transported by the informant to the Civil Hospital in a private vehicle. During transit, the victim narrated that, at around 9:00 p.m. on the same day, he had been consuming alcohol at Sahyadri Hotel along with the assailant and another individual. A dispute had arisen between the victim and the applicant regarding payment for the alcohol consumed, following which the victim had departed the hotel without settling the bill. The victim was admitted to the Civil Hospital, where he underwent medical treatment for a period of six days. Despite medical intervention, he succumbed to his injuries and was declared dead.

4. Mr Amit Icham, learned Counsel appearing on behalf of the applicant, submits that the applicant is innocent and has been falsely implicated in the alleged offence. It is submitted that the offence was initially registered under Section 307 of the Indian Penal Code. Subsequently, upon the unfortunate demise of the injured person, the offence under Section 302 of the Indian Penal Code was added.

5. The learned Counsel further contends that the deceased had sustained only a single injury and that, in the facts and circumstances of the present case, no intention to cause death can be inferred or attributed merely from the said solitary injury. It is

further submitted that the deceased was under medical treatment for a period of six days prior to his demise, which also assumes significance in the chain of events. The learned Counsel invites the attention of this Court to the contents of the FIR, wherein it is specifically stated that both the applicant and the deceased were under the influence of alcohol at the time of the incident. It is further submitted that the applicant has been languishing in jail for a period exceeding four years. The investigation into the matter has already been completed and the charge-sheet has been duly filed before the competent court. Therefore, no further recovery or discovery remains to be effected from the applicant. The learned Counsel lastly submits that the applicant is a law-abiding citizen and undertakes to abide by any terms and conditions that may be imposed by this Court in the event of the grant of bail.

6. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State, has vehemently opposed the present application. The learned APP submits that the alleged offence is of a grave and serious nature, involving a deliberate and fatal assault upon the deceased. It is contended that the act in question was not committed under the influence of alcohol, as alleged by the defence, but was intentional and premeditated.

7. The learned APP further submits that the conduct of the applicant, both prior to and during the commission of the offence, clearly manifests his criminal intent and motive. It is pointed out that, following the initial altercation with the deceased, the applicant pursued the deceased to his residence, coerced him to come out of the house, and thereafter stabbed him with a knife. The learned APP submits that there are eyewitnesses to the said incident, whose testimonies corroborate the sequence of events as narrated in the charge sheet. Relying upon the post-mortem report of the deceased, the learned APP submits that the post-mortem report records the cause of death as septicemia resulting from a sharp force injury to the abdomen. The medical evidence indicates that the injuries sustained by the deceased were sufficient in the ordinary course of nature to cause death. The learned APP has also submitted that the Forensic Science Laboratory (FSL) report, which confirms the presence of bloodstains on the clothes recovered from the possession of the applicant. The FSL report further establishes that the blood group detected on both the knife used in the assault and the applicant's clothes was Group B, which matches the blood group of the deceased, thereby forensically linking the applicant to the offence.

8. The learned APP also brings to the attention of this Court that the applicant had earlier preferred two separate applications for bail, which came to be rejected by this Court vide orders

dated 9 February 2023 and 25 October 2023, respectively. It is submitted that the charge sheet has already been filed, and the trial is presently underway. The examination-in-chief of Prosecution Witness No. 1 has been completed and his cross-examination has commenced. In such circumstances, the learned APP contends that granting bail to the applicant at this crucial stage of the trial would seriously prejudice the prosecution's case, as it may result in tampering with evidence and exerting undue influence or intimidation upon the witnesses.

9. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. The allegations against the applicant pertain to the commission of an offence punishable under Section 302 of the Indian Penal Code. The incident, as borne out from the FIR and the material collected during the course of investigation, involves a deliberate and fatal assault upon the deceased with a deadly weapon. The material on record *prima facie* reveals that the assault was not an outcome of a sudden quarrel or a heat of passion but was preceded by deliberate and calculated conduct on the part of the applicant. After the initial altercation at Sahyadri hotel over payment of dues, the applicant followed the deceased to his residence, vociferously called him out, and forcefully attempted to gain entry by kicking the door. Upon the deceased stepping outside, the applicant confronted and assaulted him with a knife.

This sequence of events *prima facie* reflects premeditation, criminal intent, and motive to cause harm.

10. Additionally, there are eyewitnesses to the incident, including the informant and former Sarpanch of the village, whose statements corroborate the prosecution's case and substantiate the role of the applicant in the commission of the offence. The post-mortem report records the cause of death as septicemia resulting from a sharp force injury to the abdomen. The medical opinion indicates that the injury inflicted was sufficient in the ordinary course of nature to cause death. The FSL report further links the applicant to the offence, as blood stains of Group B matching that of the deceased were detected on the applicant's clothes as well as on the weapon used in the assault. Furthermore, the trial is presently underway and the examination-in-chief of PW 1 has been completed, with cross-examination ongoing. The key witnesses are yet to be examined, and therefore, the possibility of tampering with evidence and exerting influence upon witnesses cannot be ruled out. Granting bail at this crucial stage would pose a serious threat to the fair and proper conduct of the trial.

11. It is also significant that the applicant had earlier preferred bail applications, which were rejected by this Court vide orders dated 9 February 2023 and 25 October 2023. Though it is

submitted on behalf of the applicant that he has been incarcerated for a period exceeding four years, it is well settled that prolonged incarceration, in itself, does not constitute a ground for the grant of bail in cases involving grave offences such as murder, particularly when the trial has already commenced and is in progress. No material has been placed on record to indicate any deliberate delay attributable to the prosecution. Upon a *prima facie* consideration of the material on record, including the FIR, eyewitness statements, medical and forensic evidence, there appears to be a *prima facie* case against the applicant.

12. In view of the foregoing, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the bail application stands rejected.

[R.N. Laddha, J.]