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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 411 OF 2025

Aman Nooralam Shah @ Batata.

...Applicant.

Versus

State of Maharashtra.

...Respondent.

Advocate Rekha Gaikwad h/f. Advocate Kalam Shaikh, for the Applicant.

Ms. Shilpa G. Talhari, APP for the Respondent/State.

CORAM: ASHWIN D. BHOBE, J.

DATED: 21st NOVEMBER, 2025.

PC:-

1. Heard Ms. Rekha Gaikwad learned Advocate for the Applicant and Ms. Shilpa G. Talhari, learned APP for the State.
2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.780/2022 for the offence punishable under Sections 302, 307, 326, 324 r/w. 34 of the Indian Penal Code (I.P.C.) and Section 135 for contravention of Section 37(1)(a) of the Maharashtra Police Act and contravention of Section 4 punishable under Section 25 of the Arms Act.
3. Ms. Rekha Gaikwad states that the said C. R. No.780/2022 is

registered as Sessions Case No. 265 of 2023 and is pending before the Court of Additional Sessions Judge, Borivali, Dindoshi Division. There are 3 accused and a Child in Conflict with Law (CCL) in the present crime.

4. Case of the prosecution is that on 06.12.2022 at about 3:30 a.m. at Gilbert Hill Road, Andheri, Mumbai quarrel took place between the first informant, deceased, Applicant and 3 other co-accused. Co-accused Saad Ansari assaulted the deceased with sharp weapon. Deceased received injury on the wrist and left hand. Allegations against the Applicant are that he assaulted the first informant and the deceased with fist and kick blows.

5. Applicant was arrested on 17.12.2022. Bail Application at Exhibit 10 in Sessions Case no. 265 of 2023 was dismissed by the Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi on 03.01.2024.

4. Ms. Rekha Gaikwad learned Advocate for the Applicant submits that the Applicant has been falsely implicated in the present crime. She submits that the allegations against the Applicant are of assaulting the first informant and deceased with fist and kick blows.

5. Ms. Shilpa G. Talhari, learned APP for the State objects to the grant of bail on the ground that the Applicant and the co-accused conspired to commit murder of the deceased and the first informant. She submits that the injuries caused in the assault, resulted in death of the deceased. She submits that the Applicant has antecedents.

6. I have given due consideration to the arguments advanced by the Advocates for the parties and gone through the records with their assistance.

7. Perusal of the charge-sheet reveals that the allegations against the Applicant are of having assaulted the deceased with fist and kick blows. There are no allegations of the Applicant having used any weapon in the assault on either the deceased or the first informant. Deceased died while taking treatment. Applicant is in jail for almost 3 years. Sohel A. Shaikh (accused no.4) who is alleged to have assaulted the deceased with fist and kick blows was released on bail by this Court in Criminal Bail Application No.3592 of 2023 vide order dated 09.01.2025 (page 117 of the paperbook). Allegations against the accused no. 4 appear to be similar to the role assigned to the Applicant. Considering the above said facts, further detention of the applicant pending the Trial would not be warranted.

8. Hence the following Order:

(a) The above application is allowed.

(b) Applicant is directed to be released on bail in connection with Crime No.780 of 2022 registered with D. N. Nagar Police Station, Dist. Mumbai, upon furnishing P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi.

(c) Applicant shall attend and report to the Investigating Officer, D. N. Nagar Police Station, Dist. Mumbai on the first Saturday of every month from 10 a.m. to 12 p.m. till framing of charge in Sessions Case No. 265 of 2023.

(d) Applicant shall not directly or indirectly make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

(e) Applicant upon release within 5 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, D. N. Nagar Police Station.

(f) Applicant shall attend each and every date of hearing in Sessions Case No. 265 of 2023 before the Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi, unless exempted.

9. Bail Application No. 411 of 2025 is disposed of in the above terms.

(ASHWIN D. BHOBE,J.)