

Shabnoor

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

BAIL APPLICATION NO.530 OF 2025

Digitally
signed by
SHABNOOR
AYUB
PATHAN
Date:
2025.06.30
17:44:11
+0530

Arman Habib Ladaf

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Kamran S. Shaikh a/w Sujay Telgote, for the applicant.

Mrs. Rajashree V. Newton, APP for the State – respondent.

Mr. Vijay Waghmare, API, Mira Road Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 30, 2025

P.C.:

1. Leave to amend. Amendment to be carried out forthwith.
2. This is a bail application filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail by the applicant in connection with Crime Register No. I-37 of 2023, registered at Mira Road Police Station. The applicant is charged for the offences punishable under Sections 302, 120B, 323, 143, 147, 148, 149 read with 34 of the Indian Penal Code, 1860. The prosecution has also invoked Sections 4 and 25 of the Arms Act, as well as Sections 37(1) and 135 of the Maharashtra Police Act.

3. Learned advocate for the applicant has argued that the entire case revolves around one fatal injury which was found in the chest region, as per the Post-Mortem Report. He has drawn attention to Clause 17 of the said report, which shows that only one injury was fatal and that such injury is alleged to have been caused by co-accused Haider. It is further submitted that though the prosecution alleges that the applicant was holding a sword, the Post-Mortem Report does not show any injury that could be attributed to a sword wielded by the applicant. Therefore, according to the applicant's counsel, there is no direct or overt act of the applicant which connects him to the cause of death.

4. It is further submitted that the applicant has no criminal antecedents to his discredit and has roots in the society. It is also pointed out that all other co-accused, barring Haider, have already been granted bail, and the case of the present applicant stands on the same footing as theirs. On this basis, it is prayed that the applicant be granted bail.

5. The learned APP, however, strongly opposed the application and submitted that the applicant was armed with a deadly weapon, i.e., a sword, and the said weapon has been recovered at his instance. It is also argued that the applicant was in constant touch with the other accused persons before the incident, and his presence at the scene of offence has been corroborated by CCTV footage. According to the prosecution, the offence was a pre-planned attack involving unlawful assembly, and the applicant was an active participant in furtherance of the common object.

6. I have considered the rival submissions and perused the material placed on record. The prosecution case rests on the allegation of a group assault which resulted in the death of the victim. While it is true that the Post-Mortem Report indicates a single fatal injury, allegedly caused by co-accused Haider, it cannot be ignored that the case is under Sections 302 read with 149 of IPC, which includes liability for acts done in prosecution of a common object of unlawful assembly. The CCTV footage and recovery of a weapon from the applicant are prima facie materials connecting him to the incident.

7. However, it is also relevant to note that except co-accused Haider, who is said to have caused the fatal injury, all other co-accused persons have already been released on bail. There is no material brought on record to show any prior criminal history of the applicant. The investigation is complete, and the charge-sheet has already been filed. The trial is likely to take considerable time.

8. In these circumstances, and particularly considering the principle of parity, I am of the opinion that the applicant is entitled to be released on bail, subject to appropriate conditions to ensure his availability during trial.

9. On overall consideration of the material and the submissions made, the following order is passed :

(a) The Bail Application is allowed.

(b) The applicant, shall be released on bail in connection with Crime Register No. I-37 of 2023 registered with Mira Road Police Station for offences punishable under Sections

302, 120B, 323, 143, 147, 148, 149 read with 34 of IPC, under Sections 4, 25 of the Arms Act, and under Sections 37(1), 135 of the Maharashtra Police Act, upon furnishing a Personal Bond of ₹50,000/- (Rupees Fifty Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(d) The applicant shall report to the Mira Road Police Station, on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

10. The Bail Application is accordingly disposed of in above terms.

(AMIT BORKAR, J.)