

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 732 of 2025

Saif Jahid Ali	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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Mr.Gaurav Bhawnani with Mayanka S.R. for the applicant.
Mr.Kiran C. Shinde, APP, for the State.
PSI Satish Thorat from Kurla Police Station present.

CORAM : DR. NEELA GOKHALE, J
DATED : 12th SEPTEMBER, 2025

P.C:-

1 The applicant seeks his release on bail in connection with C.R.No. 400 of 2024 dated 12/8/2024 registered with Kurla Police Station, Mumbai, for offence punishable under section 103 of the Bhartiya Nyaya Sanhita ('BNS').

2 It is the case of the prosecution that the applicant and the deceased were friends and co-workers in a garment factory owned by one Imran Khan. On the date of the incident i.e. 12/8/2024, the applicant and the deceased are alleged to have purchased alcohol from a wine shop. They were both in an inebriated condition. They are further alleged to have a quarrel resulting in a scuffle. It is also alleged that both of them punched each other, and the deceased fell and hit his head on

the ground leading to internal bleeding in his brain causing his death. The factory workers informed the police, pursuant to which the FIR is registered.

3 Mr.Gautam Bhawnani, learned counsel appearing for the applicant has brought to my notice the CCTV footage panchnama. The said panchnama clearly indicates the time-line of the entire incident. It is also seen that they purchased alcohol from a wine shop and both appeared to be in an inebriated condition. Their scuffle is captured on the CCTV footage and it is also seen that the applicant pushed the deceased and the deceased fell down on the road. He was found lying on the road in an unconscious state and the deceased succumbed to his injuries.

4 Mr.Gautam Bhawnani also brought to my notice the postmortem report. Column 19 of the postmortem notes indicate that there were no injuries to the skull of the deceased and he did not suffer any fracture. Sub-clause (iii) of Column 19 however, notes that there was sub-arachnoid hemorrhage over left occipital temporal and right parietal region localised in nature, reddish in colour. Cerebral oedema and softening is also noted. This shows that there was internal bleeding in the brain of the deceased.

5 Mr.Bhawnani submits that the act of the applicant was not premeditated and the entire incident occurred out of a scuffle between the parties leading to the death of the deceased. He also submits that the charge is framed on

12/8/2025 and for the past three dates, the matter was kept for filing of the muddemal.

6 Mr.Gautam Bhawnani submits that considering the age of the applicant being only 29 years, and he being the sole bread winner of his family consisting of his old parents, the application for bail be allowed.

7 Per contra, Mr.Kiran Shinde, learned APP submits that this is a grave offence and the CCTV footage clearly shows the scuffle between the parties and both the parties punching each other. The deceased succumbed to the injuries,- on the applicant pushing him violently, leading him to fall on the ground and injure his head. He also points out to the statement of the co-worker one Nasir Ali Abdul Majid as well as the owner of the garment factory i.e. Imran Mushtaq Khan, both of whom state that the applicant and the deceased being friends, were seen arguing, which led to the said scuffle. He says that it is prima facie clear that it is the applicant who committed the said offence. He also contends that the conduct of the applicant was also suspicious as he kept denying the entire incident.

8 Heard the counsel for the parties and perused the records with their assistance. It is prima facie seen that the scuffle between the applicant and the deceased led to the deceased falling on the ground and suffering injuries. Admittedly, both the applicant and the deceased were in inebriated condition and were involved in the quarrel. The CCTV panchnama also indicates that both the applicant and the deceased were

punching one another in the said scuffle. It thus appears that the act of the applicant is not premeditated and appears to be on the spur of the moment. The applicant is a young person of 29 years of age and is a sole bread winner in his family comprising of his old parents.

9 The charge is framed and it is unlikely that the trial will conclude expeditiously in the near foreseeable future. In these circumstances, I find it a fit case to grant bail and it is directed as under :-

ORDER

- i) The Applicant Saif Jahid Ali, in C.R.No. 400/2024 be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- (Rupees Fifty thousand) with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Kurla Police Station, Mumbai, on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial. He shall also attend the trial Court on each date, save and except when his appearance is exempted by the order of the trial Court.
- iii) If the Applicant has not deposited the passport, the Applicant shall deposit the same with the concerned Police Station;
- iv) The applicant shall not leave India, without the permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The applicant shall not enter the area of the territorial jurisdiction of the ACP Division, Kurla, Mumbai, during the pendency of the trial, except for the purpose of attending the police station and trial Court as directed above.

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

Application is allowed in the above terms and is accordingly disposed of.

It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Application is allowed in the aforesaid terms.

(DR.NEELA GOKHALE, J)