

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1149 OF 2025

Mohammad Aasif Abdul Salam Khan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Ms. Roohita Shaikh a/w. Mr. Anil Nile and Ms. Priyanka Nile, Advocates i/by Mr. Javed Shaikh for Applicant.
- Ms. Shilpa K. Gajare – Dhumal, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 24, 2025

P.C.:

1. Heard Ms. Shaikh, learned Advocate for Applicant and Ms. Gajare – Dhumal, learned APP for Respondent.

2. Applicant before me is young offender of 20 years who has been arrested in offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. As per the prosecution case, precursor to the incident in question was a quarrel which occurred between friends when deceased – victim had asked one of friends to give him his motorcycle to go to Kalwa for some work which was refused by him. When the refusal was done, there was an altercation between the friends at the incident spot. At that time Accused Nos.1 and 3 reached the incident spot where present Applicant was present with the other friends. Intervention of Accused Nos.1 and 3 in the verbal altercation escalated to such an extent that Accused No.3 asked Accused No.1 to fetch a knife to teach the friend who had refused to

give him motorcycle a lesson. When the knife was brought by him and handed to Accused No.1 in that verbal altercation, the role attributable to present Applicant is that he held deceased – victim and Accused No.3 stabbed him.

3. Ms. Shaikh would persuade the Court to consider the fact that Applicant is having no antecedents, there was no motive or intent to commit the crime in question and it had happened on the spur of the moment because of the precursor incident namely verbal altercation which escalated into a moment of rage leading to the fatal incident.

4. In so far the role attributable to Applicant is concerned, Ms. Shaikh would persuade the Court to consider that he has been alleged to have held the deceased – victim which aided Accused No.3 to stab the victim. She would submit that Applicant is the sole bread earner of the family and he was working as a delivery / serving waiter in a stadium where sport matches were held.

5. She would submit that aforesaid submissions be considered by Court for enlarging the Applicant on bail as he has his father and mother to provide care and support and has deep roots in Society. The submissions made by Ms. Shaikh shall be duly considered by the prosecutor, appropriate instructions shall be taken regarding the precise role of Applicant as argued by Ms. Shaikh and the Court be

apprised about the precise role of Applicant accordingly.

6. Stand over to **07th April, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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