

Shabnoor

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

BAIL APPLICATION NO. 923 OF 2025

Salim Abdul Sattar Khan ... Applicant
V/s.
State of Maharashtra ... Respondent

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**WITH
BAIL APPLICATION NO. 1737 OF 2025**

Mohd. Afzal Abdul Rajak Khan ... Applicant
V/s.
State of Maharashtra ... Respondent

Mr. Ravi Dwivedi a/w Mr. Satish Shukla a/w Mr. Sainath Baji a/w Mr. Aditya Gole, for the applicant in BA/923/2025.

Mrs. Shilpa G. Talhar, APP for the State – respondent in BA/923/2025.

Mr. Aditya Gole h/f Ravi Dwivedi for applicant in BA/1737/2025.

Ms. Pallavi N. Dabholkar, APP for State – respondent in BA/1737/2025.

Mr. Rahul Mokate, I. O. Deonar Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 25, 2025

P.C.:

1. These are applications filed under Section 439 of the Code of Criminal Procedure, 1973, by both the applicants, seeking their release on bail in connection with Crime Register No.210 of 2024

registered with Deonar Police Station. The applicants are facing prosecution for serious offences under Sections 302 (murder), 307 (attempt to murder), 324, 323, 506(2), 120-B, 143, 144, 145, 147, 148, 149 read with Section 34 of the Indian Penal Code, 1860, and also under Sections 37(1)(A) read with Sections 135 and 142 of the Maharashtra Police Act.

2. As per the prosecution case, the incident occurred on 17 May 2024. On that day, the informant received a phone call from the deceased who informed him about a quarrel with accused No.1, namely Chand, and that he had been assaulted. The deceased asked the informant to come to the place of incident. Upon reaching there, the informant saw accused No.4 assaulting one Arman, and at that time, the present applicants, along with co-accused Salman and Afjal, also reached the spot and allegedly assaulted Arman with a belt.

3. It is further alleged that accused Chand assaulted the deceased Shahabazali with a knife on the left side of his chest, and also attempted to assault Arman. When Sirtajali tried to intervene to save Arman, Chand assaulted Sirtajali with a knife on his left thigh. When other persons tried to intervene and help, Chand allegedly threatened them by showing a knife and asked them not to interfere. After this, Chand, along with the present applicants and two others, fled from the scene. The incident resulted in the death of Shahabazali, and accordingly, FIR came to be registered.

4. It is not in dispute that the present applicants had approached the Sessions Court for bail, which was rejected. The

present applications are filed thereafter before this Court.

5. Learned counsel appearing for both the applicants submitted that the applicants are attributed only the act of assaulting Arman with a belt. It is argued that the role assigned to them is not directly linked to the fatal assault on Shahabazali. Reliance is placed on the order dated 4 March 2025 passed by the Coordinate Bench of this Court in Bail Application No.4914 of 2024, whereby accused No.6 Mehboob @ Salman, who is similarly placed, was granted bail. It is submitted that the medical report of Arman does not reflect any injury, which supports the contention that the applicants' alleged act did not cause any significant harm. It is therefore urged that the applicants be released on bail.

6. Per contra, the learned APPs for the State have strongly opposed the grant of bail. It is submitted that the applicants not only accompanied the main assailant Chand, but also actively participated in the assault upon Arman. After the incident, the applicants fled from the scene in the company of Chand, who is the main accused in the case and has committed a homicidal act. It is also pointed out that both the applicants have a criminal antecedent of a serious nature, registered in the year 2020 under Section 307 of IPC, which reflects their propensity to indulge in violent acts. It is submitted that their custodial release may prejudice the ongoing investigation and affect the safety of the witnesses.

7. I have considered the submissions advanced on behalf of the applicants and the State, and also gone through the material

placed on record, including the First Information Report, charge-sheet, statements of witnesses, and medical reports.

8. From the prosecution case, it is evident that the main assault which resulted in the death of Shahabazali is attributed to accused Chand, who allegedly inflicted a knife injury to the chest of the deceased. So far as the present applicants are concerned, their role is limited to assaulting Arman with a belt, and there is no allegation that they used any deadly weapon or participated in the fatal assault on the deceased.

9. The learned counsel for the applicants is justified in relying upon the order dated 4 March 2025 passed by the Co-ordinate Bench of this Court in Bail Application No.4914 of 2024, whereby accused No.6 Mehboob @ Salman, who is stated to have played a similar role in the alleged incident, has been released on bail. It appears that the role of the present applicants and that of Salman is on equal footing, being confined to assaulting Arman with a belt, and there is no corresponding injury found on Arman as per the medical report.

10. It is also to be noted that the applicants have not been attributed the act of wielding knife, nor are they stated to have directly participated in the attack on deceased Shahabazali. The entire case against the applicants is based on their presence at the spot and general allegations of assault on another victim. There is no material to suggest any conspiracy or premeditated plan involving the applicants in the act of murder.

11. Though the prosecution has referred to a prior offence

registered in 2020 under Section 307 IPC, it is not shown whether the applicants stand convicted in that matter. At this stage, the presumption of innocence still operates in their favour. The antecedent, therefore, cannot be the sole ground to deny bail when the alleged role is limited and no weapon was used by the applicants.

12. The applicants are in custody since May 2024, and the trial is not likely to conclude in the near future. Their further detention would not serve any useful purpose, particularly when the main accused Chand is already in custody, and the investigation qua the applicants is complete and charge-sheet has already been filed.

13. In view of the above discussion, the following order is passed:

(a) The Bail Applications are allowed.

(b) The applicants, shall be released on bail in connection with Crime Register No. 210 of 2024 registered with Deonar Police Station for offences punishable under Sections 302, 307, 324, 323, 506(2), 120-B, 143, 144, 145, 147, 148, 149, 34 of the Indian Penal Code, 1860, and Sections 37(1)(A), 135, 142 of the Maharashtra Police Act, on each of them executing a Personal Bond of ₹25,000/- (Rupees Twenty-Five 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 applicants shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or

intimidate any witness, particularly family members of the deceased.

(d) The applicants shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

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

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

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

(g) The applicants 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.

14. The Bail Applications stand disposed of in above terms.

(AMIT BORKAR, J.)