

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

BAIL APPLICATION NO.1804 OF 2025

Sultan Mehtab Shah
Versus
State of Maharashtra

...Applicant

...Respondent

Ms. Kajal Sarvaiya a/w Mr. Tofik Patel i/by Asif Patel, *for the Applicant.*

Mr. Kiran C. Shinde, *APP for the Respondent - State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 26th SEPTEMBER 2025

PC:-

1. Leave to amend the cause-title by correcting the name of the Applicant, is granted. Amendment to be carried out forthwith.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.1397 of 2022 dated 26th December, 2022 registered with the Malwani Police Station, District: Brihanmumbai City for the offence punishable under Section 302 of the Indian Penal Code, 1860 (IPC).

3. The case of the prosecution as discerned from the FIR is that, on 26th December, 2022, the Applicant and the Complainant had gone outside and returned home under the influence of alcohol. On their return, Applicant had an argument with his uncle. The argument escalated, leading to a scuffle between the parties. During the scuffle, the Applicant grabbed a knife lying in the house and assaulted the deceased on his neck. The deceased suffered grievous injuries and he was taken to the hospital, where he succumbed to his injuries. On 26th December, 2022, the Complainant filed a complaint and the FIR came to be registered.

4. The Applicant filed Bail Application seeking bail before the Sessions Court, Dindoshi, however, by an order dated 11th December, 2023, said Bail Application was rejected.

5. Ms. Sarvaiya, learned counsel for the Applicant at the very outset, states that Applicant is 20 years of age. He was arrested on 6th January, 2023 and although charge-sheet is filed, charges are not yet framed. She draws my attention to

the incident as narrated by the Complainant. She submits that the said incident took place during a scuffle on the spur of the moment and there was no premeditation on the part of the Applicant. She thus, submits that the Applicant being a young person should not be made to suffer long incarceration and hence prays that application be allowed.

6. Per contra, Mr. Shinde, learned APP representing the State submits that the knife which is the weapon used in the commission of crime is recovered at the instance of the Applicant. There are eye witnesses who have evidenced the commission of the crime at the spot. Hence, he resists the bail application.

7. I have heard learned counsels for the respective parties and perused the record with their assistance.

8. A plain reading of the FIR clearly reveals that the altercation between the deceased and the Applicant happened in the spur of the moment. It does not *prima facie* appear to

be a premeditated act. It appears that both the parties were under the influence of alcohol. Charge-sheet is filed in March, 2023, but till date charges have not been framed. It does not seem likely that the trial will conclude in the foreseeable future. In these circumstances, no purpose will be served by continued incarceration of the Applicant. In that view of the aforesaid, I am inclined to grant bail to the Applicant it is ordered as follows:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the concerned Police Station once in a month between 11:00 a.m. to 02:00 p.m. till the charges are framed;

iv) The Applicant shall not enter the jurisdiction of Mumbai City, until the charges are framed and the eye witnesses are examined, save and except to attend the Police Station and the Trial court as directed in this order;

v) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) 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;

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

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

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

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

(DR. NEELA GOKHALE, J)