

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1957 OF 2025

Abu-Fahad Abbas Gulam Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Amrish Ramesh Salunke a/w. Ms. Shraddha Shinde, Ms. Tanavi Gaikwad, Mr. Durgesh Pandey, Ms. Deepali Patil and Mr. Sunil Kumar Gupta, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent.
 - PSI – Limbaji Shinde, Shahunagar Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 09, 2025

P.C.:

- 1.** Heard Mr. Salunke, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.
- 2.** Applicant is incarcerated for 5 months and 28 days for offences punishable under Sections 109, 118(1), 118(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**').
- 3.** Mr. Salunke would inform the Court that though it is case of prosecution that Applicant has used a dangerous weapon to commit the crime the medical injury certificate appended at page No.53 *prima facie* shows the injured victim received simple injuries.
- 4.** He would inform the Court that four months prior to the date of incident there was a precursor incident during which quarrel

had ensued between the injured victim and friend of Applicant and present incident was a result of the same. He would submit that considering the timeline between precursor incident and present incident, it cannot be said that Applicant had pre-meditated or planned to commit the crime and therefore Applicant deserves to be enlarged on bail.

5. That apart, he would heavily rely upon five witness statements which are appended to the Application wherein none of witnesses have infact reflected or stated name of Applicant having inflicted any blow with knife or otherwise on the injured victim.

6. On antecedents he would fairly inform the Court that there are few antecedents against Applicant and Applicant cannot resile away from the same.

7. Learned APP shall ascertain the precise role of Applicant in the present crime emanating from the record and ascertain the veracity of submissions made by Mr. Salunke and apprise the Court on the next adjourned date to enable the Court to consider Bail Application of Applicant.

8. Stand over to **16th July, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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