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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2017 OF 2025

Shakir Shakil Ahmed

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Ms. Harshaday V. Morey, Advocate for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent-State.
- Mr. K.N. Sonawane, Police Official from Kelva Sagari Police Station present.

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CORAM : DR. NEELA GOKHALE, J.

DATE : OCTOBER 3, 2025

P. C.:

1. By the present application, the Applicant seeks his release on bail in connection with the CR. No. 30 of 2024 dated 02/06/2025 registered with the Kelva Sagari Police Station, Palghar for the offence punishable under Section 307 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that there was some dispute between few friends pertaining to the amount of Rs. 500/- borrowed by the injured from the Applicant. On 31/05/2024 the injured borrowed Rs.500/- from the Applicant which was the

trigger for their dispute. The injured slapped the Applicant twice for which the Applicant vowed to take revenge. On the next day i.e. on 01/06/2024 at 9.00 a.m., the Applicant went to the garage where the injured was working and there was some altercation between them. The CCTV footage recovered by the investigating agency revealed that the Applicant hit the injured with an iron rod on his head. The injured suffered grievous injuries and was taken to the hospital. Accordingly, on the next date, the FIR was registered. The Applicant filed the bail application before the Additional Sessions Court, Palghar and by order dated 30/09/2024, the Application was rejected. Hence, he has filed the present Application for the reliefs as prayed.

3. Ms. Harshday V. Morey, learned counsel appearing for the Applicant submits that the Applicant is arrested on 10/06/2024 and has suffered incarceration of about 16 months. The charges are not framed as yet. The Applicant is a young boy of 23 years of age and has no antecedents. She also submits that entire incident arose out of some dispute between 4 friends. In these circumstances, she submits that the Applicant be enlarged on bail.

4. Ms. Megha Bajoria, learned APP, on the other hand, submits that there is a CCTV footage which clearly shows that the Applicant took an iron rod lying at the garage and hit the injured twice on his head. The injured has suffered grievous injuries as per the medical report which is on record. She submits that the offence is not committed on a spur of the moment and it appears to be a premeditated act. Ms. Bajoria also submits that the Applicant is a permanent resident of Uttar Pradesh and it will be difficult to secure his attendance for trial if he is enlarged on bail. In these circumstances, she prays that the Application be rejected.

5. I have heard both the counsel and gone through the record with their assistance. The CCTV footage does reveal the Applicant picking up an iron rod from the garage and hitting the injured on his head. The injuries are undoubtedly grievous. However, the chronology of the events compels me to believe that the entire incident happened out of a fallout between these friends and it may be on the spur of the moment and not entirely a premeditated act. The Applicant is in custody since 10/06/2024. The charges are not yet framed. It does not appear likely that the trial would be concluded in the near future.

Considering the fact that the Applicant is only 23 years of age and it is not desirable to continue his incarceration with hardened criminal, also the fact that he has no antecedents, I am inclined to enlarge the Applicant on bail on the following conditions.

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.30,000/ 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) Applicant shall also attend the concerned Police Station i.e. Kelva Sagari Police Station twice a month, on every 2nd and 4th Saturday, between 10:00 a.m. to 12:00 p.m. till the charges are framed;
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

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

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

vii) 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;

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

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

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

7. 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.]