

AGK

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

BAIL APPLICATION NO.2616 OF 2025

Sajjad Salim Ansari	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Aniket Vagal with Ms. Savvy Kolhekar and Ms. Juhi Kadu for the applicant.

Mr. Prasanna P. Malshe, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking his release on regular bail in connection with Crime Register No.264 of 2024, registered with Bhoiwada Police Station, Bhiwandi. The applicant is accused of having committed offences punishable under Sections 307, 326, and 506 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the incident occurred on 2nd March 2024 at around 7.00 a.m. The complainant was sitting and drinking tea at Nagori Hotel, located at Vitthal Nagar, Bhiwandi. At that time, the applicant also came there for having tea. A quarrel broke out between the applicant and some unknown person regarding sitting arrangements on the bench meant for customers. The applicant allegedly started shouting and hurling

abuses at others present there. When the complainant intervened and asked the applicant to leave the place, the applicant is said to have picked up a knife from a nearby coconut vendor's cart and assaulted the complainant on the head with the said weapon. As a result, the complainant sustained a bleeding injury on his scalp. Immediately after the assault, the applicant fled from the scene. The complainant's son took him to IGM Hospital, Bhiwandi, where he received initial medical aid. Thereafter, he was referred to Civil Hospital, Thane, and later shifted to Orange Hospital at Dhamankar Naka, Bhiwandi, for further treatment. A complaint came to be lodged in relation to the said incident, based on which the present crime was registered.

3. Learned counsel for the applicant has submitted that the injury allegedly sustained by the complainant is a clean lacerated wound (CLW) measuring approximately 4 mm x 5cm located on the parietal region of the head. It is submitted that the alleged act occurred on the spur of the moment, and there was no premeditated intention on the part of the applicant to cause serious harm. It is further submitted that the applicant was not carrying any weapon with him, but had impulsively picked up the knife from a nearby coconut cart during the scuffle. The applicant came to be arrested on the very same day, i.e., 2nd March 2024. The prosecution has cited a total of 15 witnesses. Though charges have been framed, the progress of trial is slow, and there is no likelihood of it concluding in the near future. It is further pointed out that the applicant does not have any past criminal antecedents. On these grounds, the learned counsel for the applicant prayed for

grant of regular bail.

4. On the other hand, the learned Additional Public Prosecutor has strongly opposed the bail application. It is argued that the injury inflicted was on a vital part of the body, namely the head, and that the weapon used, being a knife, is undoubtedly a deadly weapon. The nature of the assault and the use of a sharp-edged weapon on a sensitive part of the body shows that the applicant had intention or knowledge sufficient to attract the provisions of Section 307 of the IPC, which deals with attempt to murder. It is therefore urged that the application deserves to be rejected.

5. I have given my thoughtful consideration to the submissions made by both sides. I have also gone through the material placed on record, including the FIR, medical papers, and charge-sheet.

6. It is not in dispute that the incident appears to have occurred due to a sudden altercation at the tea stall. From the material on record, it is seen that there was no pre-existing enmity between the applicant and the complainant. The injury sustained by the complainant, though on the head, has been described in the medical certificate as a clean lacerated wound (CLW) measuring approximately 4 mm x 5 cm. There is no material on record to show that the injury was grievous in nature or that it endangered the life of the complainant. The medical papers do not disclose any skull fracture or any injury affecting the brain.

7. It is further important to note that the applicant did not come to the spot with a weapon in hand. The weapon allegedly used in the offence, a knife, was picked up from a coconut cart

nearby during the course of the quarrel. This fact, coupled with the circumstances of the incident, suggests that the act was committed on the spur of the moment, and not with prior planning or with an intention to commit murder.

8. The applicant has been in custody since 2nd March 2024. The charge-sheet has been filed. The prosecution has cited 15 witnesses, and though charges have been framed, the trial is yet to commence and is not likely to conclude in the near future. Prolonged pre-trial detention would not serve any useful purpose. It is also not the case of the prosecution that the applicant is likely to abscond or tamper with the evidence or influence the witnesses if released on bail. There is no material placed on record to show that the applicant has any criminal antecedents or that he poses a threat to society.

9. Considering the overall facts and circumstances of the case, particularly the nature of the injury, the fact that the incident appears to be sudden, absence of any criminal antecedents, and the likelihood of delay in conclusion of trial, this Court is of the considered view that the applicant deserves to be released on bail, subject to appropriate conditions.

10. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.264 of 2024 registered with Bhoiwada Police Station, Bhiwandi for offences punishable under Sections 307, 326, and 506 of the Indian

Penal Code, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Bhoiwada Police Station, Bhiwandi on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.
- b) The applicant shall not enter the jurisdiction of Bhoiwada Police Station, Bhiwandi, except for marking his presence, until further orders.
- c) The applicant shall not tamper with the evidence or attempt to influence any witness.
- d) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- f) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)