

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2634 OF 2025**

Rajesh Thakur ...Applicant
Versus
Sir J J Marg Police Station ...Respondent

Mr. Hitesh V. Jain *i/b Deepak Patel, for the Applicant.*
Ms. Megha Bajoria, *APP for the State-Respondent.*
PSI – Sakharam Jadhav, *Sir J J Marg Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 24th November 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 522 of 2021 dated 12th April 2021 registered with the Sir J. J. Marg Police Station for the offences punishable under Section 302 of the Indian Penal Code, 1860 (for short, “IPC”).

2. The First Informant, in the present matter, is a police officer of the Sir J. J. Marg Police Station. On 11th April 2021, the police received information that there was an unknown

person lying on a footpath on J. J. Road. The police went to the said spot and saw the deceased lying there in a pool of blood, his face was crushed with a cement concrete block. The said block was lying at the side of the road. The Applicant, not having any permanent abode and residing on the streets, was found sleeping on a footpath nearby, where the deceased was discovered. When the police woke him up, they found some blood on his clothes. Hence, the Applicant was arrested on 12th October 2024. Thereafter, a person named Sikandar Ansari, claiming to be an eyewitness, gave a statement to the police, purported to have seen the Applicant and the deceased engaged in a quarrel. Accordingly, the FIR was registered and the Applicant continued to be in judicial custody.

3. The Applicant made an application seeking bail before the Sessions Court at Greater Bombay. However, by order dated 13th January 2025, his bail application was rejected.

4. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

5. A bare reading of the FIR indicates that the deceased was found dead on the footpath lying in a pool of blood and his face was crushed by a cement concrete block. The said cement block was lying at the side of the road. Initially, the police arrested the present Applicant since they found blood stains on his clothes. Admittedly, the Applicant was living on the streets and had no permanent place of residence. Two days after his arrest, one Sikandar Ansari, came forward and gave a statement to the police that, while he was going on his motorcycle, he had seen the Applicant quarreling with the deceased over a glass of alcohol. He further stated that when he tried to resolve the dispute, the Applicant limped away. The prosecution, relying heavily on this statement, contests the bail application. I have perused Sikander's statement carefully. It nowhere states that he saw the Applicant hitting

the deceased. Apart from the said statement, there is no other material on record to implicate or connect the present Applicant with commission of the offence.

6. The Applicant is in custody from 12th April 2021 and only charges are framed as on date. No witnesses have been examined. It is unlikely that the trial in the present case will conclude in the near foreseeable future. The prosecution argues that since the Applicant has no fixed place of abode, it will be extremely difficult to secure his attendance during the trial. However, it will serve the interest of justice, if the Applicant be enlarged on bail with certain stringent conditions. The Applicant is accordingly enlarged on bail, and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.5,000/ with one or two local sureties in the like amount;

ii) The Applicant is permitted to furnish provisional cash bail of Rs.5,000/- for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.5,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

iv) The Applicant shall not leave Maharashtra, without permission of the trial Court;

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

vi) 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;

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

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

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

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

(Dr. Neela Gokhale, J)