

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3842 OF 2025**

Zaid Imtiyaz Khan ...Applicant
Versus
State Of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION (ST) NO. 21273 OF 2025
IN
BAIL APPLICATION NO. 3842 OF 2025**

Mr. Sudeep Pasbola *a/w Ayush Pasbola, Shubham
Gharbudave, Chinmay Godse, Rajan Gurnani and Nagraj
Tarade, for the Applicant.*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
Mr. Kuldeep Patil, *a/w Vaibhav Ugle, P. Mahajan, for the
Intervenor/First Informant in IA(ST)/21273/2025.*
PI – Sandip Phanse, *Agripada Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 22nd DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 193 of 2025 dated 16th April 2025 registered with the Agripada Police Station, Mumbai for the offences punishable under Sections 103(1), 238 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The facts of the case, as discerned from the FIR, are that the First Informant is the estranged husband of the deceased, Gulshan Khan. It is alleged that she was in an illicit relationship with her nephew, Shoaib Khan, who is the main accused. She had left the house of the First Informant along with their daughter, Mahenoor. The First Informant has also stated that his wife was being ill-treated by Shoaib Khan and his mother on some financial issues, since Shoaib and his wife were duping investors and doing some financial business. He also alleges that they were cheating investors and making money. He has also stated in the FIR that, a few days before her death, she had called him and told him that Shoaib and his mother were harassing her and that she had made a mistake in leaving the First Informant. The First Informant had ignored her because she had left him and was living in an illicit relationship with her own nephew.

3. However, on 6th April 2025, the First Informant came to know that his wife had fallen from the 14th floor to 9th floor of the building at about 6:00 a.m. It is his allegation that Shoaib

Khan pushed her from the window and killed her. He also alleged that the present Applicant had assisted Shoaib Khan. Hence, he filed the complaint and the FIR came to be registered. Shoaib Khan and the present Applicant were arrested on 30th June 2025.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay. However, by order dated 12th September 2025, his bail application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

5. Mr. Sudeep Pasbola, learned Counsel for the Applicant, states that the only offence invoked against the present Applicant is under Section 238 of the BNS, which is a bailable offence. He submits that the Applicant was not even present when the incident occurred and that there is nothing to connect him with the offence. He submits that the Applicant is unnecessarily arrested and has already suffered incarceration for five months. Thus, he submits that the Applicant be enlarged on bail.

6. Ms. Anamika Malhotra, learned APP, fairly concedes that the offence against the present Applicant is only under Section 238 of the BNS and being bailable, she has no objection to the Applicant being released on bail. She submits that there is a CCTV footage panchanama indicating that the Applicant came to the house of the main accused and the deceased only after the body was taken away. Thus, she has no objection if the Applicant is released on bail.

7. Mr. Kuldeep Patil, learned Counsel for the First Informant, resists the Bail Application. He submits that there is a conspiracy between Shoaib Khan and the present Applicant. Although the present Applicant was not present at the spot of the incident, he was well aware that Shoaib was going to kill the deceased. He further refers to an NC complaint filed by the First Informant against the present Applicant. He submits that the Applicant was threatening the First Informant during the hearing of the anticipatory bail application filed by the present Applicant. He further submits

that the offence is serious and that the Bail Application be rejected.

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

9. Admittedly, the offence invoked against the present Applicant is under Section 238 of the BNS, which is a bailable offence. As per the CCTV footage, which is placed on record and pointed out by Ms. Malhotra, the Applicant came to the house of the deceased and said Shoaib only after the incident had occurred. *Prima facie*, there is no material on record to indicate the complicity of the present Applicant in the offence. In these circumstances, I am inclined to enlarge the Applicant 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.50,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also 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.
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, 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.

10. Application is allowed in the above terms and is accordingly disposed of with Interim Application, if any, filed therein.

11. 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)