

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3973 OF 2025**

Sabirali Jakirali Khan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Ashif Hussain a/w Mohd. Qais i/by Shaijad Mansuri, *for the Applicant.*

Ms. Anamika Malhotra, *APP for the Respondent - State.*

Mr. Amir Malik, for the Intervenor.

PSI – Satish Thorat, Kurla Police Station, Mumbai, present.

CORAM DR. NEELA GOKHALE, J.

DATED: 16TH OCTOBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.181 of 2025 dated 17th April, 2025 registered with the Kurla Police Station, Mumbai for the offences punishable under Sections 109, 118(1), 351(1), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The facts of the present case, in brief, are that the complainant namely Ayan Nizamuddin Malik was helping his father in their shop, selling clothes, as his school was closed for vacations. On 16th April, 2025, at about 02:30 p.m., while his father asked him to bring his motorcycle to go home for lunch and while the complainant's father was in the process of shutting their shop, some people informed complainant's father that the complainant was being beaten up by some unknown persons. It is alleged that the quarrel started between the complainant and accused on account of the complainant sounding his horn and requesting some children to get out of the way. The children started to abuse the complainant. While they were quarreling, some people informed the complainant's father regarding quarrel. Suddenly, an unknown person aged about 20 to 35 years rushed towards their shop and started quarreling with the complainant. There were other persons accompanying him. One was wearing Khaki dress holding a knife and one of them was a juvenile. Another person was holding an iron bar in his

hand and all four persons started assaulting the complainant and his father. All four are accused in the present C.R. It is alleged that all four accused were beating and assaulting the complainant and his father, *albeit* it is the accused No.2 and juvenile accused who were assaulting the complainant and his father with an iron bar. It is alleged that the present Applicant has assaulted the complainant and his father with fist and kick blows. Accordingly, the complainant - Ayan made a complaint, pursuant to which the FIR was registered.

3. The Applicant had made an Application before the Adh-hoc Judge, City Civil Court and Additional Sessions Judge, Mumbai, however, by order dated 22nd August, 2025, said bail application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr.Hussain, learned counsel for the Applicant, submits that the Applicant is innocent inasmuch as he is only alleged to have assaulted complainant and his father with his hands. It is the accused No.2 and juvenile accused who have

assaulted with the iron rod and knife. Hence, the present Applicant has not committed any offence least of all the offence alleged by the prosecution. He submits that the charge-sheet is already filed and there is no purpose in continuing the incarceration of the Applicant. He thus, prays that the Applicant be released on bail.

5. Per contra, Ms.Malhotra, learned APP, submits that all four accused were assaulting the complainant and his father. She pointed to the statements of the complainant, his father and an eye witness. The eye witness specifically stated that the Applicant was involved and complicit in the said assault. She submits that there is a CCTV footage which also reveals the presence of the Applicant and other accused at the spot. Thus, she submits that the applicant and accused were arrested on 17th April, 2025 and the charges are already framed on 20th August, 2025. She further submits that compliance under Section 294 is also done and witness summons have been issued. Thus, she submits that the trial is

proceeding at the proper pace. Hence, she prays that the Application be rejected.

6. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

7. I have gone through the statement of the complainant as well as his father and also seen the statement of eye witness. A plain reading of all these statements clearly reveal the complicity of all the four accused in commission of the said crime. The old man and his son are seen being beaten up mercilessly in the CCTV panchanama. It is thus, quite possible that once the Applicant is enlarged on bail, he may try to intimidate the eye witnesses and also the injured person and his father. They are all from the same locality. The trial is likely to conclude in the foreseeable future, considering that the recording of evidence is to commence on the next date before the Trial Court. The offence is serious and the trial is proceeding at proper pace. Thus, considering the totality of

the circumstances, I am not inclined to grant bail at this stage to the Applicant.

8. Bail Application is dismissed.

9. 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)