

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4013 OF 2025

Mohammed Salim Qasim Ali Khan ...Applicant

Versus

State Of Maharashtra ...Respondent

**Mr. Dilip P. Kamath, Sagar D. Kamath, Sirajuddin Shaikh, for
the Applicant.**

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

PSI – Govind Baste, Tulinj Police Station, is present.

CORAM Dr. Neela Gokhale, J.

DATED: 4th NOVEMBER 2025

PC:-

1. By way of this Bail Application, the Applicant seeks his release on bail in connection with FIR No. 610 of 2024 dated 24th August 2024 registered with Tulinj Police Station for the offences punishable under Sections 103(1), 109, 189, 190, 191, 189(2), 189(4), 191(2), 191(3), 194 of Bharatiya Nyaya Sanhita, 2023 and Section 135 of Maharashtra Police Act, 1951.

2. The facts of the case, in brief, are that on 23rd August 2024, an information was received by the police that in the

area of Santosh Bhavan Vasai-Virar, four persons were injured with stab wounds. The said persons were taken to the Virar City Mahanagarपालिका Hospital, Tulinj, Nalasopara for treatment. When the police reached the hospital, it was revealed that one of the persons, namely Dipu, who was injured, had succumbed to his injuries, while the others were being treated for the stab and other wounds. Statements of the injured victims were recorded and it transpired that on 23rd August 2024, there was a scuffle between two groups of boys over a minor dispute pertaining to the boys' of one group harassing a child of the sister of the other group. It is alleged that on this ground, there was an argument between these two groups which led to a scuffle and a physical altercation between the groups. In the course of this scuffle, the persons from both the groups drew weapons such as a sickle and a knife and injured the members of the respective groups. In the altercation, unfortunately the blow given by the present Applicant on one of the boys of the other group resulted in his

death. Hence, the FIR came to be registered and the Applicant was arrested along with others.

3. The Applicant filed an application before the Additional Sessions Judge, Vasai. However, by order dated 12th September 2025, his bail application was rejected. Hence, the present Applicant is before this Court for the relief as prayed.

4. Mr. Dilip Kamath, learned Counsel for the Applicant, has drawn my attention to the orders passed by the Additional Sessions Judge, Vasai enlarging all the co-accused on bail. The only ground on which the present Applicant was refused bail was because the person who suffered the blow given by the present Applicant, lost his life and the other victims were merely injured and are still alive. He submitted that although he is in custody only from 16th October 2024, there is a cross-case between the two groups and the entire incident took place on the spur of the moment. He submits that the co-accused are enlarged on bail, the role attributed to him is also similar to that of the co-accused, save and except the

difference being that the person to whom he gave a blow unfortunately succumbed to his injuries. He thus submits that the Applicant be released on bail.

5. *Per contra*, Ms. Anamika Malhotra, learned APP, has drawn my attention to the statement of the injured who has clearly taken the name of the present Applicant as having injured the deceased. She further submits that the Applicant was only arrested on 16th October 2024 and it will take some time for the Court to commence the trial. She however, resists the present Bail Application stating that it is the Applicant whose blow has caused the death of the deceased. She also submits that since there is a counter case already pending against these accused, there is a possibility that releasing them on bail will endanger the life of the other injured persons. In these circumstances, she resists the Bail Application.

6. Heard learned Counsel for the respective parties and perused the record with their assistance.

7. Admittedly, this is a case of serious nature wherein one of the injured victim succumbed to his injuries. Be that as it may, it does appear from the plain reading of the statement of the injured victim that there was a scuffle between two groups and it was the deceased who had actually given the first blow to the Applicant. It *prima facie* appears that while defending himself, the Applicant gave a blow to the deceased which turned fatal. It also appears that although there was intent of altercation between the parties, there was no premeditation to commit the said offence. In these circumstances, as all the other co-accused being enlarged on bail, I see no reason to detain the present Applicant in custody.

8. Ms. Malhotra fairly admits that there are no antecedents in respect of the present Applicant. Although apprehension raised by the Investigating Officer in the bail application before the Sessions Court is justified, by placing strict conditions on his liberty, the said apprehension can be met. In these circumstances, I am inclined to grant bail to the Applicant 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 Tulinj Police Station on every 1st and 15th date of each month from 10:00 a.m. to 2:00 p.m., until further orders.
- iii) Except for the purpose of attendance at Trial and in police station, the Applicant shall not enter into the limits of Mumbai, Thane and Palghar District, until the evidence of material witnesses is recorded at the trial.
- iv) The Applicant shall not repeat the incident and also not indulge in similar activity as alleged in the charge-sheet.
- v) The Applicant shall not pressurize the material witnesses (injured and others) in any manner.
- vi) The Applicant shall furnish their permanent & temporary addresses, phone numbers, as well as, true copies

of the documents of their residential addresses as well as of their two close relatives along with original documents for inspection by the Superintendent of the Court.

vii) The Applicant shall not leave the State of Maharashtra, without the prior permission of the Court.

viii) The Applicant shall deposit their passports, if any, to the Investigating Officer.

ix) The Applicant shall attend the trial regularly.

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

10. 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)