

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4044 OF 2025**

Mohd. Innamuddin Nizamuddin Khan	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Gaurav Bhawnani *a/w Mayanka S. R., for the Applicant.*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
PSI – Nitin D. Sawant, *Bangur Nagar Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 6th NOVEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with CR No. 584 of 2020 dated 23rd August 2020 registered with Bangur Nagar Police Station for offences punishable under Sections 307, 326, 452, 323, 504, 506 and 34 of the Indian Penal Code, 1860 (for short, “IPC”).

2. The facts of the case, in brief, are that on 22nd August 2020 at around 7.45 p.m., while the victim was returning from work, the Applicant and his brother picked up a quarrel

with him on the road. Abuses were exchanged between by the parties. An altercation resulted from the said quarrel and during the scuffle between the Applicant and his brother on one side and the victim on the other, the victim was injured by a stab wound given by the Applicant by an iron knife. The mother of the Applicant is stated to be an eyewitness. Thus, the FIR came to be registered and the Applicant was arrested on 23rd August 2020.

3. The Applicant moved an application for bail before this Court which was permitted to be withdrawn by order dated 12th June 2023. Mr. Gaurav Bhawnani, learned Counsel for the Applicant, submits that till date, the charges are not framed and the Applicant has suffered custody for almost about 5 years and 2 months as an under trial. Although prosecution has cited only 16 witnesses, there is no likelihood that the trial will conclude in the near future. Mr. Bhawnani also submits that unfortunately and very recently the injured victim died due to unrelated circumstances. The mother of the

victim is the only eyewitness in the present case. He submits that on the ground of long incarceration, the Applicant deserves to be release on bail.

4. Per contra, Ms. Anamika Malhotra, learned APP, contest the Bail Application and states that the Applicant has two antecedents, albeit relating to petty crimes. Mr. Bhawnani clarifies that the said offences against the Applicant have been closed under Section 258 of the Cr.P.C. and as such, no case is pending against the Applicant as on date, save and except the present case. Ms. Malhotra submits that although there is a delay in trial, the charges are likely to be framed soon and the trial is likely to conclude in the foreseeable future.

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

6. Without going into the merits of the case, admittedly there is a delay in even commencement of the trial, as even charges are not framed till date. The Applicant is in custody

for almost 5 years and 2 months. He was only 19 years old when he was arrested and has spent considerable time in the prison even before the trial commenced. Having regard to the long incarceration and specially the fact that it is highly unlikely that the trial will conclude in the near foreseeable future, 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.25,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Bangur Nagar Police Station, on first Monday of every month between 10:00 a.m. and 12:00 noon, till the charges are framed by the Trial Court. 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 tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) 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;

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

vii) 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)