

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4232 of 2025**

Firoz Nasim Khan ...Applicant
Versus
State of Maharashtra _____ ...Respondent

Mr. Shriganesh Salba Sawalkar, Shraddha Sagvekar and Adira Tandan, for the Applicant.

Ms. Anuja S. Gotad, APP for the State-Respondent.

PI – Walekar, Dongri Police Station, is present.

CORAM Dr. Neela Gokhale, J.
DATED: 17th November 2025

PC:-

1. By way of the present application, the Applicant seeks his release on bail in connection with FIR No. 223 of 2024 dated 30th April 2024 registered with Dongri Police Station for the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short, “IPC”).

2. The facts of the case, as discerned from the FIR, are that the lady/victim was found injured near the Ambika Electronics, Shop No. 3, Noorbaug, Mumbai. Passers-by

informed the police, pursuant to which the FIR is registered. The said injured victim was taken to the J. J. Group of Hospitals, where, during treatment, she succumbed to her injuries. During investigation, it transpired that the said lady/victim was used to drinking alcohol and roaming in that area. It is alleged that she used to keep questionable relations with people who gave her money for purchasing alcohol. The Applicant, a ragpicker, also had relations with the victim and used to give her money to buy alcohol. On 30th April 2024, there was some quarrel between them, which led to a scuffle. During the altercation, the Applicant pushed the victim leading her to fall on the shutter of a shop. She sustained injuries from the physical altercation and ultimately passed away in the hospital. Accordingly, the Applicant was arrested pursuant to the registration of the FIR. The Applicant was arrested on 4th May 2024 and till date, charges are not framed.

3. The Applicant filed a bail application before the Sessions Court, Greater Bombay. However, by order dated 31st July 2025, the said application was rejected. Hence, the Applicant is before this Court for the relief as prayed.

4. Mr. Shriganesh Sawalkar, learned Counsel for the Applicant, submits that there was no premeditated plan to commit the said offence and the said incident happened on the spur of the moment. He submits that the Applicant is a ragpicker and he is not likely to commit the said offence again if released on bail. He thus prays that the Applicant be enlarged on bail.

5. Ms. Anuja Gotad, learned APP, submits that the offence is serious. The Applicant has no settled and fixed place of abode. It is highly likely that he may abscond if released on bail and not be available to face trial. She thus prays that the Bail Application be rejected.

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

7. I have gone through the FIR as well as the statement of the eyewitness. A bare perusal of the same indicates that there was a scuffle between the Applicant and the victim, leading to a physical altercation and the Applicant fell on the shutter of a shop and sustained injuries. It appears that there was a relationship between the parties and that the victim was allegedly maintaining relations with multiple persons who were ready to pay her money, to purchase alcohol. The Applicant was one such person. It does not appear that the offence was committed with a premeditated plan and it appears to have happened on the spur of the moment.

8. Considering the aforesaid discussion and the fact that the Applicant himself is a ragpicker and has no antecedents, 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.5,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on first and third Monday of every month between 10:00 a.m. and 12:00 p.m., 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) The Applicant shall not leave Mumbai, till the conclusion of the trial.
- 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;

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

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)