

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2478 OF 2025
IN
CRIMINAL APPEAL NO.783 OF 2025**

Imran Ajij Chaus @ Ulli Applicant
versus Respondent
The State of Maharashtra

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- Mr. Khwaja Shaikh a/w Mr. Abhay G. Dolas, Advocate for Applicant.
- Ms. Ranjana D. Humane, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 08th AUGUST, 2025**

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant was the sole accused in Sessions Case No.1069/2023 before the learned Additional Sessions Judge, Greater Mumbai. The learned Judge vide his Judgment and Order dated 14/05/2025 passed in Sessions Case No.1069/2023, convicted the Applicant for commission of the offence punishable u/s 326 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer rigorous imprisonment for two months.

2. Heard Mr. Khwaja Shaikh, learned counsel for the Applicant and Ms. Ranjana D. Humane, learned APP for the State.
3. The case of the prosecution is that before the incident dated 23/03/2015, the Applicant was continuously abusing the first informant Ayub since about 8 days. On 23/03/2015, at about 08.00 p.m. again the Applicant abused Ayub. Ayub confronted the Applicant. At that time the Applicant went inside his house and brought a sword and tried to assault Ayub. Ayub raised his hand and the blow landed on his left forearm causing an injury. Ayub then lodged his FIR on 198/2015 at D. N. Nagar Police Station, Mumbai. The investigation was carried out. At the end of the trial the Applicant was convicted.
4. There was a cross case arising out of the same incident. It was Sessions Case No.621/2015 conducted before the same learned Judge. In that case the said Ayub was the accused No.2. That case was u/s 307 and 504 r/w 34 of the Indian Penal Code. Ultimately, that case resulted in conviction of two accused namely Shamim Qureshi and Ayub Qureshi u/s 326 r/w 34 of

the Indian Penal Code. They were also sentenced to suffer rigorous imprisonment for 3 years.

5. Learned counsel for the Applicant submitted that looking at the nature of the injuries suffered by the Applicant, he had reasonable apprehension regarding his safety and therefore he had a right to defend himself by way of private defence. He submitted that the Applicant himself had suffered grievous injuries. The prosecution case is not true. He further submitted that during pendency of the trial, he was on bail. There was no allegation that he had misused that liberty. Even after his conviction, he was granted bail for a temporary period u/s 389 of Cr.P.C.

6. Learned APP submitted that the prosecution case is not false. The informant Ayub had suffered grievous injury at the hands of the Applicant.

7. I have considered these submissions. The injuries suffered by Ayub Qureshi are mentioned in paragraph No.39 of the impugned judgment. Those injuries are as follows :

- (i) Stab injury admeasuring 2 cm x 1 cm x 1 cm at left forearm by a sharp object
- (ii) CLW admeasuring 1 cm x 1 cm x 1 cm at left forearm by blunt object which is simple in nature.

8. As against this, the Applicant has suffered the following injuries, which are reflected in the paragraph No.36 of the impugned judgment and order. They are as follows :

- (1) Three CLWs on the back of the head.
- (2) CLW 4 x 0.5 cm on left forearm by sharp object.
- (3) CLW 1 x 0.5 cm on left thumb by sharp object.
- (4) Two CLWs on right upper lip by sharp object.
- (5) Compound fracture 2 x 2 cm on right forearm.
- (6) CLW 6 x 1 x 1 cm on left hand caused by sharp object.

9. Out of these injuries, the compound fracture is obviously a grievous injury. Thus, it is quite clear that the Applicant himself was mercilessly assaulted and he was suffering grievous injuries including one compound injury.

10. Therefore, there is force in submission of learned counsel for the Applicant that the prosecution may not be true against him and he can have right to private defence. Apart from that, he was on bail during the trial. He was also granted bail for a temporary period u/s 389 of Cr.P.C. The sentence imposed on him is for three years. The Appeal is not likely to be decided within that short period. Therefore, I am inclined to grant bail to the Applicant during pendency of his Appeal.

11. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.783 of 2025, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)