IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1533 OF 2026

Salman Furkan Shaikh @ Ansari .... Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Nitin Sejpal a/w. Ms. Pooja Sejpal and Mr. Sahir Patel for the Applicant.
Mr. Tanveer Khan, APP for the Respondent – State (through VC).

CORAM: SHYAM C. CHANDAK, J.
DATED : 13th OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. The applicant seeks his release on bail in Sessions Case No.376/2024 pending before the learned Additional Sessions Judge, Thane arising out of Cr.No.680/2024 registered with Kapurbawadi Police Station, Thane for the offence punishable under Sections 109, 115(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 ("BNS") on the report dated 06.08.2024 filed by Mr. Mahesh Vishnu Kavatikwar.

3. The prosecution case is that the deceased was the father of the informant. On 05.08.2024, at about 08:30 p.m., the deceased was present in his pan shop. At that time, the deceased refused to give a cigarette to accused Aniket Gaikwad (A1). Therefore, A1 got annoyed and he tried to throw a glass jar kept in the pan shop. When the deceased resisted, accused A1 gave him fist blows. Therefore, the informant intervened. At that juncture, the

applicant came there and he assaulted the deceased. Therefore, the informant pushed the applicant. Then, A1 assaulted the deceased by bamboo and caused his death. The incident led to registration of the present crime and arrest of the accused persons. On completion of the investigation, police submitted the charge-sheet. The trial Court declined to release the applicant on bail.

4. Mr. Khan, the learned APP submitted that the material on record clearly indicate that the applicant along with Aniket Gaikwad (A1) had assaulted the deceased in which A1 used bamboo and caused his murder. Therefore, the applicant is not entitled for bail.

5. I have considered said submissions. Considering the record and submissions by Mr. Sejpal, it appears that, the incident had occurred all of a sudden. The narration in the report does not indicate that the applicant was aware that Aniket Gaikwad (A1) would suddenly assault the deceased by means of a bamboo and cause his murder. As such, it is difficult to conclude that there is a *prima facie* case against the applicant of having committed the murder of the deceased in furtherance of the common intention with accused – Aniket Gaikwad (A1) . The investigation is over and the detention of the applicant in jail will not serve any purpose. The applicant has no criminal antecedents. Therefore, I am inclined to allow the Application. Hence, following Order :-

(i) The applicant – Salman Furkan Shaikh @ Ansari be released on bail in the aforesaid Sessions Case No.376/2024 pending before the learned Additional Sessions Judge, Thane, arising out of Cr.No.680/2024 registered with Kapurbawadi Police Station, Thane, on his executing a P.R.

Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Kapurbawadi Police Station, Thane on 1st day of a month, in every three months, between 11:00 a.m. to 02:00 p.m., till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated in case there is any change.

(v) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against him.

(vi) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application. The trial Court shall decide the said case without getting influenced by any of the said observations.

6. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI
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