HEMANT CHANDERSEN SHIV

Digitally signed by HEMANT CHANDERSEN SHIV
Date: 2026.10.07 15:02:10 +0300

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2615 OF 2026

Tabrez Idris Memon ...Applicant

V/s.

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.2426 OF 2026
IN
BAIL APPLICATION NO.2615 OF 2026

Geeta Janardan Vishwakarma ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Rizwan Merchant, Sagar Shete, Faisal Shaikh, Akash Ghadage for the Applicant.
Mr. Vinod Chate, APP for Respondent No.1.
Mr. M. B. Gandhi for the Applicant in I.A. No.2426/2026

CORAM: SHYAM C. CHANDAK, J.
DATED : 6th OCTOBER 2026

P.C. :-

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

2. Present Application seeks release of the applicant on bail in Sessions Case No.31 of 2026, in connection with FIR bearing Cr. No.24 of 2026, registered with Manor police station, Palghar for the offence punishable under Sections 103(1), 109(1), 126(2), 115(2), 117(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 ("BNS") on the report dated 8th February 2026, filed by the first informant.

3. The prosecution case is that, on 7th February 2026, at about 8.20 p.m., on the Mumbai-Ahmedabad Highway, the applicant was proceeding towards Mumbai in his car, while the deceased was

following the said car in his tempo. The informant was travelling in the tempo as a cleaner. It is alleged that the applicant suddenly applied brakes, whereupon the tempo dashed against the rear portion of the car. Being frightened by the said occurrence, the deceased drove the tempo ahead. The applicant thereafter allegedly chased the tempo and intercepted it at the Varai river overbridge. It is further alleged that the applicant slapped the informant and assaulted the deceased by giving fist blows. During the course of the said incident, the applicant allegedly took the deceased towards the side of the bridge and pushed him therefrom with the intention of causing his death. The deceased sustained injuries in the said incident, pursuant to which the aforesaid crime came to be registered and the applicant was arrested. The deceased succumbed to the injuries two days thereafter. Upon completion of investigation, chargesheet came to be filed. The learned trial Court declined to release the applicant on bail. Hence, the present application.

4. Considering the rival submissions and material on record, it appears that the car of the applicant was damaged due to dash by the tempo. Therefore, in the fit of rage, the applicant chased and stopped the tempo. He further assaulted the informant and the deceased and, in the same state of mind, he pushed the deceased from the bridge. Said act ultimately caused the death of the deceased. Thus, it is apparent that, the offence is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel. The applicant has no criminal antecedents.

5. Mr. Merchant, learned counsel for the applicant, on instructions, submitted that the applicant is ready to extend monetary assistance of Rs.20,00,000/- to the family of the deceased, voluntarily and without prejudice. It is made clear that

such payment shall be without prejudice to the rights, contentions and defence of the parties before the trial Court and in any proceedings arising out of the subject crime. The wife of the deceased, is present before this Court. She through her learned Advocate Mr. Gandhi stated that, she is willing to accept the said amount, having regard to the fact that she is a daily wage earner, her income is meagre and, she is required to maintain three minor children. She has further stated, through Mr. Gandhi, that she has no objection if the applicant is released on bail.

6. In the backdrop and taking a holistic view of the matter, the applicant may be released on bail. Thus, I am inclined to allow the application. Hence, following Order, in the interest of justice :-

(i) The Applicant – Tabrez Idris Memon be released on bail in aforesaid FIR bearing Cr. No.24 of 2026, registered with Manor police station, Palghar, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant – Tabrez Idris Memon, as voluntarily undertaken, shall pay Rs.20,00,000/- to Smt. Geeta Janardan Vishwakarma w/o deceased, as under :-

(a) Rs.10,00,000/- before his release from jail,

(b) Rs.5,00,000/- on or before 30th October 2026, and

(c) Rs.5,00,000/- on or before 30th November 2026.

(d) The effect of this direction is limited to this case. It shall not be treated as a precedent.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

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

(v) It is clarified that aforesaid payment of Rs.20,00,000/- by the applicant shall not be construed as admission of his guilt and, payment of the said amount will be without prejudice to the rights, contentions and defence to be raised by the parties, including their LRs, before the trial court and the proceedings that may arise out of the said crime.

(vi) 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.

(vii) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(viii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

7. Bail Application and I.A. No.2426/2026 seeking intervention stand disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)