Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3827 OF 2026

Saddam Mumtaj Rain .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. N. V. Khan a/w Adv. Sheefa Khan, Adv. N. Khan, Adv. Saad Khan, Advocates for Applicant.
- Mr. Yogesh Nakhawa, APP for Respondent.
- API Nilesh Nalawade, Kalewadi Police Station.

SHARADA RANGNATH WAHULE
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 12, 2026

P.C.:

1. Heard Mr. Khan, learned Advocate for Applicant and Mr. Nakhawa, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.81 of 2026 registered with Kalewadi Police Station for offences punishable under Sections 103, 109(1), 115(2), 352, 351(2)(3) read with Section 3(5)of the Bharatiya Nyaya Sanhita, 2023.

3. The Applicant is arraigned as Accused No. 1 in the present crime. The accused persons desired to seek the return of money which was owed by Ashfaq Raine to the extent of Rs. 70,000/- and Sarfarz Raine to the extent of Rs. 20,000/- to the Applicant. The Applicant is a

distributor of fruits from whom these two persons used to purchase fruits for some time. They ran into debt and, without returning the money, they stopped purchasing fruits from the Applicant. The Applicant desired the money to be paid back, for which he, along with his friend, who is a co-accused, met these persons outside Lucky Restaurant, which is the scene of the crime. The deceased victim appeared to be the friend of these two fruit purchasers who owed money to the Applicant. There was a verbal altercation between the parties on the ground of when the money would be returned, and that verbal altercation escalated into a fight between the parties as abuses were exchanged between them.

4. The incident in question occurred because of the threats which were administered to the accused persons, who were only two in number, by other seven persons. The Applicant caught hold of the deceased victim, who was the aggressor, and the co-accused person inflicted a single fatal blow with a knife on him. Insofar as the investigation is concerned, the same is completed, and there is no other investigation which is required to be done.

5. The role attributed to the Applicant is that he had held the victim in the fight which had ensued, which is captured in the CCTV footage placed on record. In that view, I am inclined to consider the case of the Applicant for grant of bail.

6. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR. No.81 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

7. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

8. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]