

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

**BAIL APPLICATION NO. 862 OF 2024
WITH
INTERIM APPLICATION NO. 1542 OF 2024
WITH
INTERIM APPLICATION NO. 1543 OF 2024
IN
BAIL APPLICATION NO. 862 OF 2024**

Anilkumar Sitaram Mishra Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Arvind D. Aswani, appointed Advocate for the Applicant.
Mr. S.V. Walve, APP for the Respondent – State.
Mr. R.G. Gujar, PSI, Malad Police Station, present.

CORAM: SHYAM C. CHANDAK, J.

DATED : 10th JUNE, 2026

1) In I.A. 1542/2024, the Applicant has prayed for legal aid, which has been already provided to him. B.A. No.862/2024 seeks release of the Applicant on regular bail and I.A. No.1543/2024 seeks for interim bail.

2) The Applicant is arraigned in FIR bearing C.R.No.462/2019 registered with Malad Police Station, Mumbai for commission of the alleged offences punishable under Sections 302, 307 read with 34 of the Indian Penal Code and Sections 37(1)(a) and 135 of Maharashtra Police Act.

3) Heard Mr. Aswani, learned Counsel for the Applicant and Mr. Walve, learned APP for the Respondent – State.

4) As gathered from record, the prosecution case is that on 31/10/2019, at about 03:50 a.m. at Baba Singh Chawl, a quarrel occurred on account of absconding accused Amit Saurabh urinated near the house of one Nandlal Kanojiya. During the said quarrel, Amit Saurabh stabbed Nandlal in the stomach with sharp weapon. At that time, one unknown accused (Applicant) had held said Nandlal. Thereafter, accused Amit Saurabh stabbed Urmila- the wife of Nandlal. Consequently, the two had sustained serious injuries. Mr. Mohd. Javed Mohd. Mehtab Maliq – the informant tried to intervene but the unknown accused shouted at him “you should not intervene in their quarrel, it is their personal matter”. Yet, the informant tried to snatch the knife from Amit Saurabh but the latter resisted. As a result, the informant sustained an injury to his right thumb. After the incident, both the accused fled away from the spot. At that time, Nandlal and his wife Urmila were lying on the ground in an injured condition. The neighbours immediately placed both of them in a rickshaw and took them to the hospital. Therefore, the informant lodged a report narrating the said incident which led to registration of the said crime. Nandlal subsequently succumbed to the injuries and Urmila was seriously injured and had been admitted to the Intensive Care Unit (ICU). The informant further states that few days prior to the incident, a quarrel had occurred on account of Amit Saurabh throwing garbage near Nandlal’s house.

5) The Applicant came to be arrested on 02/11/2019. On completion of the investigation, police filed the charge-sheet against the Applicant and absconding accused Amit Saurabh with a prayer to proceed against the absconding accused under Section 299 of Cr.P.C.

6) It is a matter of record that the role of the Applicant is distinct from that of Amit Saurabh. The Applicant is involved in this case with the aid of Section 34 IPC. There is no material showing that the Applicant had knowledge that Amit Saurabh would stab Urmila and attempt to commit her murder. The Applicant was unknown to injured Urmila, the informant and other witnesses. However, it is not sufficiently clear as to on what basis, prior to arrest of the Applicant, the I.O. ascertained that the Applicant was the same unknown accused who was present at the spot alongwith accused Amit Saurabh. Injured Urmila and the informant have identified the Applicant in the TIP, but, the TIP was held after 3 months of the incident and arrest of the Applicant. As such, whether the Applicant was associated with the main accused Amit Saurabh or not, is a question of trial. The Applicant is behind bars since the date of his arrest. Although, charge is framed, no prosecution witness is examined till date. The trial will take considerable time to conclude. The Applicant has no criminal antecedents. The Applicant is resident of Goregaon, Mumbai. No serious apprehension is raised by the Respondent – State that the Applicant is likely to abscond and tamper with the prosecution evidence.

7) Mr. Aswani produced an Order dated 04/05/2026 in Petition for Special Leave to Appeal (Crl.) No.7502 of 2026. Therein, the accused was in jail for almost four years for the offence of Section 302 read with 34 of IPC. Although charge was framed, not a single witness was examined till date. Therefore, the Hon'ble Supreme Court directed to release the said accused observing that the right of the accused to have speedy trial as enshrined under Article 21 of the Constitution could be said to

have been infringed. In such cases, the Court must consider the plea for bail appropriately.

8) In the wake of the above, the Applicant is entitled for bail. Hence, following Order :-

(a) Application is allowed.

(b) The Applicant – Anilkumar Sitaram Mishra be released on bail in C.R.No.462/2019 registered with Malad Police Station, Mumbai for offences punishable under Sections 302, 307 read with 34 of the Indian Penal Code and Sections 37(1)(a) and 135 of Maharashtra Police Act, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(c) 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.

(d) The Applicant shall mark his attendance at Malad Police Station, Mumbai on 1st date of each calender month between 11:00 a.m. to 2:00 p.m. till the conclusion of the trial.

(e) 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.

(f) 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.

(g) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

9) Bail Application stands disposed of in aforesaid terms.

10) Consequently, the pending Interim Applications also stand disposed of.

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HEERO
JAYANI

Digitally signed by
PREETI HEERO
JAYANI
Date: 2026.06.11
14:35:51 +0530

(SHYAM C. CHANDAK, J.)