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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4187 OF 2024

Akram Akhtayar Khan	...Applicant
V/s.	
State of Maharashtra	...Respondent

Mr.Abhinav Dubey with Ms.Rajlaxmi Dubey, Adv.Mridul Das and Ms.Jyoti Pujari for the Applicant.

Mr.Rishikesh M. Pethe, APP for the State – Respondent.

Mr.Sachin Kapse, API, Malad Police Station is present in Court.

CORAM : R.M. JOSHI, J.
DATE : 6TH MARCH, 2026.

P.C. :-

1. The Applicant is facing not less than 18 crimes and trial against him. The bail is sought on the ground that he is suffering from HIV and also on the ground that this is not a case wherein the offence punishable under Section 392 of IPC gets attracted against him.
2. Learned counsel for the Applicant submits that

the case against the Applicant could at the most be considered for the offence punishable under Section 379 of IPC but not under Section 392 of IPC, as sought to be alleged against him. To support his submission that the Applicant is entitled to seek bail, he placed reliance on the order of the Co-ordinate Bench of this Court dated 9th September, 2024 in Bail Application No.1637 of 2023. It is also contended that since the Applicant is suffering from HIV, on medical ground, he is entitled to seek bail.

3. Learned APP opposes the said contention firstly on the ground that the medical condition of the Applicant is stable in view of the Prisoner's Medical Report filed on record. It is his further submission that in the instant case, hurt has been caused by the Applicant to the victim while snatching the chain. To support this submission, reference is made to the medical papers.

4. No doubt the Co-ordinate Bench of this Court in Bail Application No.1637 of 2023, has held that in

absence of any hurt being cause, an offence under Section 379 of IPC would attract and not 392 of IPC. Herein in this case however, there is evidence on record to show hurt was caused to the victim during commission of offence. *Prima-facie* material on record in the form of medical report supports the said contention of the learned APP. Hence this is not a case wherein the Applicant can be enlarged on bail by taking aid of the order passed by the Co-ordinate Bench of this Court.

5. Insofar as the claim of the Applicant with regard to he being suffering from HIV is concerned, the Prisoner's Medical Report indicates that he is Hemodynamically stable. There is nothing on record to show that he is in need of any emergent medical treatment.

6. Having regard to the submissions, this Court finds no substance in the submissions. Hence the Bail Application stands dismissed.

(R.M. JOSHI, J.)