

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2310 OF 2025

Salim Baitulla Halwai ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Rashmi Bhandarkar a/w Riddhi Patil for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent-State.

Mr. Sandeep Balu Kamble, PSI, Bhoiwada Police Station, Bhivandi,
Thane City,

CORAM: R. M. JOSHI, J.

DATED: 08th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR. No. I-111 of 2017 registered with Bhoiwada Police Station, Bhiwandi for the offence punishable under Section 302 of the Indian Penal Code.

2. In short, it is a case of the prosecution that the incident occurred on 08.07.2018, in which a quarrel took place between the applicant-accused and deceased over issue concerning 500/- was borrowed by the accused from the deceased. It is alleged that the applicant inflicted fist blows on the victim. As a result of the said blows, victim becomes unconscious and he was taken to the

hospital however, he died during the course of the treatment. On completion of investigation, chargesheet has been filed.

3. Learned counsel for the applicant submits that there is no allegation against the applicant for using any weapon for causing assault on the deceased. It is submitted that, except for giving fist blows, no other act was done by applicant. According to her, the Post Mortem notes indicating no surface injuries on the dead body. She also drew attention of this Court to the final cause of death certificate, indicates that the death was due to pulmonary oedema and pulmonary haemorrhage with associated findings consumption of alcohol. It is her submission that, in any case, the charge of murder cannot be attributed or established against the applicant. She contends that the applicant is in jail since 2018 and trial has not yet commenced.

4. Learned APP opposed the application citing seriousness of the crime.

5. Even if the case of the prosecution is accepted as its to be crime, this court finds substance in the submission of learned counsel for the applicant that the offence of murder cannot be attracted against the applicant. *Prima-facie*, this finding appears

inevitable in view of the final cause of death and the fact that applicant is said to have given fist blows to the deceased.

6. Having regard to the fact that there is no chance of trial being completed within a reasonable time, and as applicant has no criminal history, he deserved bail.

7. Hence, following order:

ORDER

i) Criminal bail Application no. 2310 of 2025 stands allowed, in connection with CR. No. I-111 of 2017, the applicant be enlarged on bail on furnishing PR Bond of Rs. 15,000/- with one surety in the like amount.

ii) The Applicant shall attend every date of hearing before the Trial Court, unless exempted by specific order of the Trial Court.

iii) The observations made in this order are *prima-facie* in nature and will not bind parties or Trial Court during trial.

iv) In view of the above, the Bail Application stands disposed of.

(R. M. JOSHI, J.)