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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.2562 OF 2025

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Mohd. Tariq Jainoor Aabdin
V/s.

...Applicant

State of Maharashtra & Anr.

..Respondents

Mr.Sudeep Pasbola with Mr.Chinmay A. Godse for the Applicant.

Mr.A.S. Gawai, APP for the State – Respondent.

Mr.Navin Singh with Mr.A. Shaikh for Respondent No.2.

CORAM : R.M. JOSHI, J.
DATE : 16TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with Crime No.956 of 2024 registered with Vikhroli Park Site Police Station for the offences punishable under Sections 103(1), 109, 118(1), 115, 352, 3(5) of Bhartiya Nyaya Sanhita,2023 (BNS) and under Sections 37(1) and 135 of the Maharashtra Police Act.
2. It is the case of the prosecution that on 20th December, 2024 at about 7:30 p.m. an incident occurred over the dispute of

parking of two wheeler in front of the shop. The said dispute ultimately resulted into fight. It is alleged by the informant who is the son of the deceased and witness to the incident that the co-accused in the said incident had assaulted the deceased to his head with iron stool. Due to the said assault, the deceased i.e. the father of the informant fell down. It is thereafter the present Applicant and the co-accused said to have caused assault on the informant. In the said incident, the father of the informant died. Hence offence in question is registered against the Applicant and the co-accused. It is undisputed fact that on conclusion of investigation, chargesheet is filed.

3. Learned counsel for the Applicant submits that there is no allegation against the present Applicant that he caused assault on the deceased which has resulted to his death. It is submitted that apart from the statement of the informant, CCTV footage also confirms the said fact. It is his submission that there is no injury certificate of the informant placed on record in the chargesheet in order to hold that the informant sustained any injury in the alleged assault caused on him by the Applicant. On

these and other contentions, he seeks enlargement of the Applicant on bail.

4. Learned APP and the learned counsel for the informant opposed the application. It is their contention that in the incident in question, involvement of the Applicant is clearly seen on the basis of CCTV footage so also the statements of the informant and the witnesses. It is their contention that the common intention can be seen from the acts of the Applicant of causing assault on the informant. Learned counsel for the informant submits that merely because the Investigating Officer fails to refer the informant for medical examination, that does not lead to the conclusion that he did not sustain any injury in the assault. It is his further submission that considering the fact that FIR came to be recorded after the death of the father of the informant, non-mentioning therein about the assault being caused on the informant in order to prevent him from taking the deceased to hospital would not affect case of the prosecution.

5. Here in this case, the incident in question has occurred

over a petty quarrel of parking of two wheeler in front of the shop. *Prima-facie* perusal of the record indicates that there is no allegation against the present Applicant of he causing any injury or assault on the deceased. This Court apparently finds substance in the contention of the learned counsel for the Applicant that in fact the Applicant came to the spot after the deceased sustained injuries and fell down. In such case, it would be difficult to attribute any common intention to the Applicant for causing death of the deceased. Moreover it is even not case of prosecution not informant was assaulted to prevent him from taking deceased to the hospital. Moreover there is no injury certificate of the informant on record, to support his claim of assault. At this stage, there is reason to believe that Applicant may not be held responsible for death of deceased for want of sharing common intention to kill the deceased.

6. The Applicant has no criminal history. He is not likely to flee from justice.

7. At this stage, learned counsel for Respondent No.2 raises apprehension about the Applicant if released on bail,

would be in a position to pressurize the witnesses. Learned counsel for the Applicant on instructions makes statement that till conclusion of trial, the Applicant will not enter into the jurisdiction of Vikhroli Park Site Police Station. This Court will take care of the apprehension of the informant. Hence the order :-

ORDER :

- a). The Application stands allowed.
- b). The Applicant be enlarged on bail in connection with Crime No.956 of 2024 registered with Vikhroli Park Site Police Station for the offences punishable under Sections 103(1), 109, 118(1), 115, 352, 3(5) of Bhartiya Nyaya Sanhita,2023 (BNS) and under Sections 37(1) and 135 of the Maharashtra Police Act, on furnishing PR bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- c). As undertaken, the Applicant shall not enter the jurisdiction of Vikhroli Park Site Police Station till conclusion of trial.
- d). The Applicant shall not directly or indirectly cause

interference in the evidence of prosecution and not to contact the informant or any witness in any manner whatsoever.

e). The Applicant to attend trial Court on each date of hearing except exempted by the Trial Court by passing specific order.

(R.M. JOSHI, J.)