

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3875 OF 2025**

Mohd Kasim Abu Mohammad Khan ...Applicant
Versus
State Of Maharashtra ...Respondent

Ms. Afreen Shaikh, *for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the State-Respondent.*
PI – Jitesh Shingole, *Byculla Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 06th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 298 of 2025 dated 5th June 2025 registered with the Byculla Police Station, Brihanmumbai City for the offences punishable under Sections 109, 111(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 37(1), 135 and 142 of the Maharashtra Police Act, 1951.

2. The facts of the case, in brief, are that while ASI Uday Ganpat Vichare was on patrolling duty with other police

officials, he was informed by a motorcycle rider that one person was lying in an injured condition at the corner of Bhagwan Adinath Marg. The police officials immediately reached at the spot of the incident and found the injured victim. The police officials facilitated his transfer to the hospital, where he was given appropriate treatment. The police also called the relatives of the injured victim, pursuant to which the FIR was registered.

3. The Applicant and co-accused, Islam Aslam Qureshi were apprehended on the basis of the CCTV footage collected by the police. Hence, the co-accused, Islam Aslam Qureshi, and the present Applicant were arrested on 21st June 2025. There are other accused persons also who are involved in the alleged conspiracy to kill the Complainant.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay. However, by order dated 18th September

2025, the said application was rejected. Hence, the Applicant is before this Court seeking relief as prayed.

5. Ms. Afreen Shaikh, learned Counsel for the Applicant, submits that there is no material against the present Applicant to implicate him in the offence. Neither the CCTV footage panchanama shows the Applicant assaulting the injured person, nor is there any witness who has stated regarding the complicity of the Applicant in the present crime. She submits that the Applicant is in custody from 21st June 2025 and it is not likely that the trial will conclude in the near foreseeable future. She thus, submits that there is no material involving the Applicant in the incident and prays that the Applicant be released on bail.

6. *Per contra*, Ms. Poonam Bhosale, learned APP, on instructions from the Investigating Officer, submits that the CCTV footage panchanama clearly indicates that although it was the co-accused, Islam Aslam Qureshi, who has actually hit the injured victim on the head with an iron rod, the present

Applicant was waiting at the corner of the road for the purpose of conducting a recce and informing the co-accused as to whether any person was coming that way. She submits that the entire conspiracy was hatched by these two accused with others and the role of the present Applicant is as serious as that of the said Islam Aslam Qureshi. However, she fairly concedes that there are no antecedents against the present Applicant. She thus prays that the Application be rejected.

7. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

8. A plain reading of the FIR does not implicate the present Applicant in the act of the actual assault. At this stage, it is difficult to assume the role of the present Applicant, which can only be determined during the course of the trial. The CCTV footage panchanama clearly indicates that it was Islam Aslam Qureshi who hit the injured victim and assaulted him with an iron rod. Later on, the said Islam Aslam Qureshi

picked up the Applicant from the corner of the road. The iron rod, which was a weapon of assault, was recovered from the co-accused. *Prima facie*, at this stage, there is nothing to implicate the present Applicant in the offence. There are no antecedents in respect of the present Applicant.

9. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.

- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)