

Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4171 OF 2025

Furqan Razzak Qureshi ...Applicant

Versus

State Of Maharashtra ...Respondent

Mr. Mubin Solkar *a/w Tahir Hussain, Anas Shaikh, Hemal Shah, T. Qureshi and P. Zahid, for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the State-Respondent.*

API – Waman Thakare, *Dharavi Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 16th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 265 of 2020 dated 27th June 2020 registered with Dharavi Police Station for the offence punishable under Sections 302, 307, 326, 324, 323, 504, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860 ('IPC'), Sections 4 and 25 of the Arms Act, 1959 and 37(1)(A) and 135 of the Maharashtra Police Act, 1951.

2. The case of the prosecution is that there was a dispute between the family of the Applicant and the First Informant's

family on the ground that, while there was a renovation being carried out by the Applicant in his house, a brick fell from the top floor and landed next to the daughter of the family of the First Informant. On that ground, there were grudges between the two families and there always used to be altercations and quarrels between them. On the fateful day i.e. on 26th June 2020, when the family members of the First Informant were sitting in an open ground near their house and chatting, the Applicant, his family members and others came to the spot and started assaulting the First Informant's family members and the deceased, who was the uncle of the First Informant. It is stated that the present Applicant was carrying a knife and stabbed the deceased in front of all his relatives. The co-accused, who accompanied him, also assaulted the family members of the First Informant. On a complaint made by the First Informant, the FIR was registered and the Applicant was arrested on 7th July 2020. The co-accused were also arrested during that period.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Court No. 17, City Civil and Sessions Court, Mumbai. However, by order dated 5th May 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Mubin Solkar, learned Counsel for the Applicant, at the very outset, submits that as many as nine co-accused are enlarged on bail and it is only the present Applicant who is still in custody. He further submits that the Applicant is arrested in July, 2020 and till date, even charges are not framed. Hence, on the ground of long incarceration, the Applicant deserves to be released on bail. He further submits that the witnesses who have recorded their statements are only the family members of the deceased and as such, there is no uninterested person who has given any statement to the police. He then submits that the role of the co-accused, who have been enlarged on bail, is identical to the role attributed to the present Applicant, as the FIR records allegations that

even the co-accused have assaulted the deceased and his family members. He thus prays that the Applicant be enlarged on bail.

5. Ms. Poonam Bhosale, learned APP, submits that the offence is serious and the maximum sentence prescribed is that of life imprisonment and as such, there is no long incarceration. She draws to my attention the orders passed by the Co-ordinate Bench of this Court, releasing the co-accused on bail. She submits that despite evidence being direct in nature, the order erroneously records that the nature of evidence is circumstantial. She further submits that there were 36 injuries on the vital parts of the deceased and the statements of witnesses clearly narrate the sequence of events which caused the death of the deceased. She, on instructions from the Investigating Officer, also submits that some of the accused, who are enlarged on bail, are not attending the Trial Court and it is for that reason that the charges are not framed till date. Hence, she submits that the delay, if any, in framing

charges and commencing the trial is attributed to the co-accused. She thus prays that the Application be rejected.

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

7. I have also gone through the orders passed by the Co-ordinate Bench of this Court enlarging the co-accused on bail. The role of the co-accused and the present Applicant seems to be identical. Thus, the principle of parity, can be invoked in the peculiar facts and circumstances of the present case. In any case, the Applicant is in custody since July, 2020 and for no fault of his, charges are not framed till date. In these circumstances, no purpose will be served by continued incarceration of the Applicant in custody when the co-accused are enlarged on bail. Admittedly, there are no antecedents against the present Applicant.

8. In these circumstances, 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.

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

10. 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)