

Akash

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4239 OF 2025**

Ahmed Ehsan Ansari	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Gaurav Bhawnani (through Video Conferencing) a/w Mayanka S.R., for the Applicant.

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

Ms. Deepali Dhalpe, PSI, Vakola Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 15th APRIL, 2026.

PC:-

1. By this application, the applicant seeks bail in connection with C.R. No.222 of 2025 registered with Vakola Police Station, District Mumbai, for the offences punishable under Sections 109, 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

2. The First Information Report indicates that on 16th March 2025 an incident has occurred at 04:48 pm wherein the incident of road rage occurred. Allegation is that the present applicant and co-accused assaulted the deceased and his wife. There is allegation against the present applicant that he assaulted the deceased on his

head with a paver block. The deceased on the same day was taken to the hospital. CT Scan was done. Since the reports were normal, he was sent back home. On the next day, deceased fainted and therefore was again admitted in hospital. On 19th March 2025 he died. It is thereafter the charge of murder came to be attracted against the present applicant. During the course of the investigation statements of witnesses were recorded, post mortem report was included in the investigation papers. On conclusion of investigation the chargesheet is filed.

3. Learned Counsel for the applicant submits that even if the case of the prosecution is accepted as it is to be true, offence of murder is not made out against the applicant. In this regard he drew attention of this Court to the fact that there are in all four abrasions caused to the deceased and one of which is on head. It is his submission that on the date of incident, deceased was taken to hospital and no internal injury was found to have been caused to him. He further drew attention of the Court to the Post Moretem Report the diagnosis of assault of his head injury with ACS with cardiogenic shock with metabolic acidosis. It is his submission, by referring to the column 20 of Post Mortem Report that the

deceased had 20% to 30% of blockages in coronary artery and therefore the possibility of his death for reason other than assault is not ruled out. It is submitted that in the facts of the case applicant cannot be kept in jail by way of pre-trial sentence.

4. Learned APP, opposes the application firstly by citing seriousness of the crime. Secondly, it is his submission that the statement of the informant gets support from the eye witness to the incident. It is his submission that from applicant paver block which was used for assault is recovered during the course of investigation. It is his further submission that, considering the evidence against the applicant, he is not entitled for bail.

5. *Prima facie* perusal of the record indicates that this is a case of a road rage. As such there cannot be any premeditation on the part of the applicant in causing of the assault. In the facts of the case, *prima facie* it is difficult to accept that the applicant had any intention to kill the deceased. The Post Mortem Report Indicates that four abrasions were caused to the deceased and one abrasion was on his forehead. Pertinently, immediately after the assault, deceased was taken to hospital and CT Scan was done. No internal

injury was found to have been caused to the deceased. It is on the next day, when the deceased fainted and therefore, came to be admitted in the hospital. He died on 19th March 2025. The Post Mortem Report further indicates that the deceased had artery blockages. Pertinently, the Medical Officer has not given any opinion about cause of death.

6. In the afore stated facts, this Court finds prima facie substance in the contention of counsel for the applicant that this may not be a case of murder. The applicant has not criminal history.

7. In view thereof, the following order is passed :-

ORDER

- (i) Criminal Bail Application No.4239 of 2025 stands allowed, in connection with C.R. No.222 of 2025 registered with Vakola Police Station, District - Mumbai, the applicant be enlarged on bail on furnishing PR Bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.
- (ii) The applicant to attend the all dates of hearing before the Trial Court unless the exempted.
- (ii) The applicant not to interfere in the evidence of the prosecution in any manner whatsoever.
- (v) Any breach of above condition shall result into cancellation of bail.

8. In view of the above, the Bail Applicant stands disposed of.

9. The above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)