

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4256 OF 2025

Mohammad Firoj Ajmerali Sayyad	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Nazneen Khatri, for the Applicant.
Mr. Prasanna Malshe, APP for the Respondent-State.
Mr. Shridhar S. Jadhav, PSI attached to JJ Marg Police Station,
present.

CORAM: R. M. JOSHI, J.
DATED: 27th APRIL, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No. 0114 of 2025 dated 19th March 2025, registered with Sir J.J. Marg Police Station, Brihanmumbai City for the offences punishable under Sections 103(1), 109(1), 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita (B.N.S.), 2023.

2. In short, it is the case of the prosecution that on 18th March 2025, an incident occurred at the work-place owned by the present Applicant. According to the First Informant, there was a quarrel and fight between the Applicant and the deceased over the issue of payment of daily wages. In the said incident, the allegation is that the present Applicant assaulted the deceased on his chest with scissors. The deceased/then injured was taken to the Hospital.

However, he succumbed to his injuries. Hence, an offence came to be registered against the Applicant. On conclusion of the investigation, a charge-sheet came to be filed against the Applicant.

3. Learned counsel for the Applicant submitted that, even if the case of the prosecution is accepted to be correct, the offence punishable under Section 103 of the BNS is not *prima-facie* made out. In this regard, it is her submission that there was no motive for the Applicant to kill the deceased. According to her, the conduct of the Applicant after the occurrence of the incident also indicates that he never intended to kill the deceased, as he was the one, who took the deceased to the hospital after the incident. Apart from this, it is argued that since there was a fight between the Applicant and the deceased, the injury caused was at the spur of the moment, and unfortunately, the blow landed on the chest of the deceased, resulted into his death. It is her contention that since the offence is of a lesser degree than murder, the Applicant is entitled to bail. She also claims that the Applicant has no criminal history and is not likely to flee from justice if released on bail.

4. The learned APP opposes the Application by pointing out the statements of eye witnesses to the incident. It is his submission that the use of scissors by the Applicant in the assault indicates his intention to kill the deceased. According to him, considering the seriousness of the crime, the Applicant is not entitled to be released on bail.

5. *Prima-facie*, perusal of the record indicates that there was no prior motive or reason for the Applicant to kill the deceased.

Similarly, the statements of eye witnesses indicate that a quarrel followed by an actual physical fight took place between the Applicant and the deceased. It was at this stage, the Applicant is alleged to have caused assault with scissors available at the spot, on the deceased. It is not in dispute that this is a case of a single blow being allegedly inflicted by the Applicant on the deceased. Further, the statement of an eye witness clearly shows that after the said assault took place, it was the Applicant, who took the then injured to the Hospital. This subsequent conduct of the Applicant also supports the contention of the Applicant that this may not amount to the offence of murder. Once, such a conclusion is drawn, there is no reason to reject the Application, particularly in view of the fact that the Applicant has no criminal history.

6. At this stage, the learned APP apprehends that, in case the Applicant is permitted to enter the jurisdiction of Sir J. J. Marg Police Station, he is likely to pressurize the witnesses in the case.

7. Learned counsel for the Applicant, on instructions, makes a statement that the Applicant will not enter the jurisdiction of the said Police Station till conclusion of the trial.

8. In view of above, the Bail Application is allowed, and following order is passed:

ORDER

(i) The Bail Application stands allowed in connection with Crime No. 0114 of 2025 dated 19th March 2025, registered with Sir J. J. Marg Police Station, Brihanmumbai City;

(ii) The Applicant be released on bail on furnishing P. R. Bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) As undertaken, the Applicant not to enter jurisdiction of Sir J. J. Marg Police Station, Brihanmumbai City till conclusion of trial;

(iv) The Applicant not to interfere into the evidence of the prosecution in any manner whatsoever;

(v) The Applicant to attend all the dates of hearing before the Trial Court except exempted by a specific order by the Trial Court;

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

7. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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signed by
SHAMBHAVI
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