

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4826 OF 2025**

Jafarali Javedali Sayyed

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

Ms. Mayanka S R, *with Gaurav Bhawnani, for the Applicant.*

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

Mr. Ghadage (Pairavi), *PSI attached to Meghawadi Police Station, Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 06TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 0227 of 2024 dated 22nd April 2024 registered with the Meghwadi Police Station, Brihanmumbai City for the offences punishable under Sections 307 and 506(2) of the Indian Penal Code, 1860 (for short 'IPC').

2. The case of the prosecution, in brief, is that while, the Victim, aged about 17 years, was walking on the road with her mother and other relatives, the Applicant came with an iron pipe and hit her on her head. She suffered injuries. The Applicant declared that he was the '*Bhai*' of the said locality and he would do as he pleased. The relatives of the Victim tried to stop him but he started threatening them with the pipe. Fearing for their safety, no one could interfere and ultimately, the Applicant threw the pipe on the road and went away. He was identified as 'Jafarali Javedali Sayyed' (Applicant herein) and was arrested pursuant to registration of the FIR.

3. The present Bail Application is filed by the mother of the Applicant since he is stated to be suffering from a mental disorder. He filed successive applications seeking bail before the Additional Sessions Judge, Sessions Court, Borivali Division, Dindoshi, however, by orders dated 8th April 2025

and 29th August 2025, the same were rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Ms. Mayanka S. R., learned counsel appearing for the Applicant, submits that the Applicant is intellectually challenged from his childhood and does not understand the ramifications of his act. He needs special care and if he is kept in jail for more time, the same will have a hazardous impact on his mental health. She thus, prays that the Applicant be released on bail.

5. *Per contra*, Ms. Poonam Bhosale, learned APP representing the State in the matter, submits that there are 3 antecedents pertaining to the Applicant and releasing him on bail, shall amount to creating danger to the society since the Applicant, suffering from the said condition, is likely to repeat the said offence or any such acts. She thus, prays that the Bail Application be rejected.

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

7. The order dated 8th April 2025 passed by the Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, records that the psychiatrist of Regional Mental Hospital, Thane, on examination of the Applicant opined that, the patient is irritable, not fully cooperative, picks fight, stubborn, occasionally excited, abusive and sometimes violent. Further, it is opined that patient is receiving antipsychotic medications, has received as many as 13 electro-convulsive therapy (ECT's). In these circumstances, I agree with Ms. Mayanka, learned counsel appearing for the Applicant, that it will be counter-productive to continue his incarceration in custody. In view of the mental condition of the Applicant, I am inclined to enlarge the Applicant on bail. However, considering the Applicant's mental condition and his mother's inability to prevent him from posing any threat to the Society,

I deem it appropriate to admit the Applicant in the Regional Mental Hospital, Thane, initially for a period of 3 months during which period he will be given treatment by the doctors in the said Hospital and after a period of 3 months, a review will be taken of his health status. Thereafter, it is left to the discretion of doctors treating the Applicant in the said Hospital to determine as to whether to continue him as an indoor patient or an outdoor patient.

8. In these circumstances, it is ordered as under:-

ORDER

- i) The Applicant is permitted to furnish cash bail of Rs.25,000/- for his release and file undertaking that he will provide one or two sureties in the like amount of Rs.25,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

ii) The Applicant is to be admitted to Regional Mental Hospital, Thane, initially for a period of 3 months during which he will be given treatment by the doctors in the said Hospital and after a period of 3 months, the doctors treating him in the said Hospital to determine as to whether to continue him as an indoor patient or an outdoor patient;

iii) The Applicant shall attend the Trial Court concerned at the discretion of the Trial Court concerned; However, the Applicant is permitted to make an application before the Trial Court seeking personal exemption depending on the opinion of the doctors regarding his health status;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) 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 learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

SHAMBHAVI
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