

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2835 OF 2025

Abdul Shamim Ramjanali Shaikh ...Applicant
Versus
State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.4373 OF 2025
IN

BAIL APPLICATION NO.2835 OF 2025

Rizwana Shahrayar Chaudhary alias Rizwana ...Applicant
Iqbal Choudary
Versus
State of Maharashtra _____ ...Respondent

Ms. Manisha Jadhav i/by S.K. Kamble, for the Applicant.

Mr. Rohan Kharat i/by A.K. Upadhyay, for the Intervenor /
Informant.

Ms. Veera Shinde, APP, for the State.

PSI – Vinod Waingankar, Tulinj Police Station, Pairavi Officer,
present.

CORAM: R. M. JOSHI, J.

DATED: 9th MARCH, 2026.

PC:-

1. The Applicant seeks his enlargement on bail in connection with C.R. No.803 of 2023 registered with Tulinj for the offence punishable under Sections 302, 307, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860 ('IPC') .

2. As per the prosecution case, an incident occurred on 12th November, 2023, when the nephew of the deceased was bursting crackers in front of the house of the Applicant/Accused. Owing to the said reason, a quarrel occurred between them. It is alleged against the present Applicant that he went inside the house, and brought a pipe, and assaulted the deceased on his head. He also alleged to have assaulted the sister of the informant. It is not in dispute that after 12 days after the occurrence of the incident , and the cause of death was complications following a head injury.

3. Learned counsel for the Applicant, submits that the Applicant is aged 20 years with no criminal history behind him. It is her submission that considering the First Information Report as well as the statements of witnesses, it cannot be said that the Applicant had any intention to kill the deceased. It is submitted that the possibility of accidental landing of a single blow caused by him on the head is not ruled out. She argues that the deceased died after 12 days after the incident due to the complications arising from the head injury. She submits that the Applicant would not enter the jurisdiction of Tulinj Police Station till the conclusion

of the trial, which will take care of the apprehension of the prosecution and the informant.

4. Learned APP and learned counsel for the informant / intervenor oppose the grant of bail. It is their contention that the offence in question is serious in nature. They drew the attention of the Court to the First Information Report, the statements of witnesses and the post-mortem note. Learned APP submits that in the incident in question, not only the deceased was assaulted but the sister of the informant was also beaten by the present Applicant. It is therefore their contention that it would be unsafe to release the Applicant on bail, as he is likely to pressurize the witnesses, who reside nearby to the place of residence of the Applicant.

5. At this stage, this Court will have to see *prima facie* whether there is any substance in the submissions of learned counsel for the Applicant that this may not be a case of murder punishable under Section 302 of the IPC. *Prima facie*, a perusal of the record indicates that the incident of quarrel occurred before the actual assault. There is further no dispute about the fact that there was an isolated injury caused on the head of the deceased.

The deceased did not die immediately after the assault but died 12 days later due to the complications. *Prima facie*, this Court finds substance in the contention of learned counsel for the Applicant that there was no intention on the part of Applicant to kill the deceased.

6. Having regard to the fact that the Applicant has no criminal history, and considering the voluntary statement made by learned counsel for the Applicant that the Applicant will not enter the jurisdiction of Tulinj Police Station, the same would take care of the apprehension of the prosecution and the informant. Hence, the following order:

ORDER

- i) The Bail Application is allowed.
- ii) In connection with C.R. No.803 of 2023 registered with the Tulinj Police Station, the Applicant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.

iii) As volunteered, the Applicant shall not enter the jurisdiction of Tulinj Police Station till conclusion of the trial.

iv) The Applicant shall not tamper with or interfere with the prosecution evidence in any manner whatsoever.

7. In view of disposal of the Bail Application, nothing survives for consideration in the Interim Application. Hence, the same is also disposed of.

8. 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.

(R. M. JOSHI, J.)