

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.507 OF 2026

Mohd. Sajid Salim Khatri

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

WITH

CRIMINAL BAIL APPLICATION NO.753 OF 2026

Jamal Akhatar Malik

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Adv. Abhishek Kulkarni a/w Adv. Sagar Wakale & Adv. Chetan Sawant, for the Applicant in BA/507/2026.

Mr. Sudeep Pasbola, Senior Counsel a/w Adv. O.P. Dubey, Adv. Shatrughan Dubey, Ms. Anjali S. Jaiswal & Adv. Chinmay Godse, for the Applicant in BA/753/2026.

Ms. S. K. Gajare, APP for the Respondent-State.

Mr. Jeet R. Bhattacharya i/by Mr. R.R. Bhattacharya, for the Intervenor.

API- Harish Shilamkar, Malwani Police Station, Mumbai, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 11th JUNE, 2026

P.C. :-

. Present Applications seeking release of the Applicants on bail in connection with C.R. No.1247 of 2025 registered with Malwani Police Station, Mumbai for the offences punishable under Sections 109, 118(2), 115(2), 352, 314 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the POCSO Act. Said crime came to be registered on the report dated 8th October, 2025 filed by an informant Pravin Rajput - the Intervenor.

2) Heard Mr. Kulkarni, learned counsel and Mr. Pasbola, learned Senior counsel for the Applicants, Ms. Gajare, learned APP for Respondent No.1-State and Ms. Bhattacharya, learned counsel for the Intervenor.

3) The prosecution case is that, on 7th October 2025, at about 00.30

hours, at Riddhi-Siddhi Apartment, Malad (West), Mumbai, the Applicant–Jamal, co-accused – Ijhar and two unknown persons beat Ashmit (son of Informant’s brother) by hand on account of a dispute about the use of a lift. Therefore, his parents Ashwin and Pramila came there and intervened in the quarrel. At that time, Applicant Jamal has assaulted Ashmit with hot iron pan on his head and thereafter, he and co-accused Ijhar assaulted Ashwin by means a hot iron pan and a wooden stick, respectively. The Applicant Jamal assaulted Pramila by means of an iron rod. The accused also gave them fists and kicks blows. Consequently, the three sustained injuries. Applicant - Mohd. Sajid is one of the two unknown accused. Therefore, both the Applicants came to be arrested. Statement of Ashwin’s daughter “M”, aged 15 years reveled that when she intervened in the assault, one of the assailants touched her chest in an indecent manner. On completion of investigation charge-sheet came to be filed against both the Applicants, Ijhar Malik, Shabaj Sayyed, and Sunil Mishra under Sections 109, 118(2), 115(2), 352, 314 and 3(5) of the B.N.S. and under Sections 8 and 12 of the POCSO Act.

4) Mr. Kulkarni, learned counsel and Mr. Pasbola, learned Senior Counsel for the respective Applicants submitted that the incident occurred all of a sudden. There was free fight between two groups. As a result, counter F.I.R. has been registered against the informant-intervenor on the report of Applicant Jamal. Mr. Kulkarni, also submits that the name of the Applicant Mohd. Sajid is not mentioned in the F.I.R. None of the injured have suffered any life taking injury. Since the charge-sheet has been filed, detention of the Applicants in jail is not required. Therefore, the Applicants may be released on bail.

5) Ms. Gajare, the learned APP for Respondent-State and Mr. Bhattacharya, the learned counsel for the Intervenor submitted that the Applicants were aggressor in the assault. Although the earlier quarrel was subsided, the Applicants unnecessarily assaulted the three injured in a pre-

planned manner. The Applicant- Mohd. Sajid is clearly seen in the CCTV footage as one of the assailants. All the injured persons have sustained serious injuries. Thus, the Applicants and their co-accused have committed a serious offence. Therefore, their prayer for bail may be refused.

6) I have considered these submissions. The medical reports indicate that, due to the assault, Ashmit had sustained CLW, abrasions and burns. However, his injuries were simple in nature. Injured Ashwin had suffered bruises, 1st degree burns over forearm and a grievous injury, i.e., comminuted displaced fracture – left 2nd metacarpal. Similarly, Pramila had suffered fracture left middle phalanx, multiple injuries on left & right forearms and over the left side of the forehead.

7) However, there is no dispute that all the injured have recovered from the injuries. Therefore, the offence is not going to escalate to a more serious offence. The same incident gave rise to registration of a cross-FIR against the injured side for the offences punishable under Sections 115(2), 118(1), 189(2), 190, 191(2), 314, 324(4) and 352 of the B.N.S. Therefore, it appears that there was a free fight between two groups on account of a petty quarrel. There is no clarity as to who had committed sexual assault on the child “M”.

8) Since the charge-sheet has been filed, detention of the Applicants in jail will not serve any purpose. The Applicants have no criminal antecedents. They are not likely to abscond and tamper with prosecution evidence. The Applicants are ready to abide by any condition that has been imposed.

9) In view of the above discussion, Applicants are entitled to be released on bail. Hence, following Order is passed:-

(i) Bail Applications are allowed.

(ii) The Applicants – Mohd. Sajid Salim Khatri and Jamal Akhatar

Malik shall be released on bail in connection with C.R. No.1247 of 2025 registered with Malwani Police Station, Mumbai for the offences punishable under Sections 109, 118(2), 115(2), 352, 314 and 3(5) of the B.N.S. and under Sections 8 and 12 of the POCSO Act, on their furnishing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount.

- (iii) The Applicants shall mark their attendance at Malwani Police Station, Mumbai on the 1st day of each calendar month between 12:00 noon to 4:00 p.m., till the conclusion of the trial.
- (iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.
- (v) The Applicants shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witness to prevent them from deposing against them.
- (vi) On being released from jail, the Applicants shall furnish their contact numbers and residential address to the Investigation Officer and shall keep him updated, in case there is any change.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicants and the trial Court shall not be influenced by any of the observations made hereinabove.

(SHYAM C. CHANDAK, J.)