

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1253 OF 2026

Akbar Amin Hasan Ansari	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Adv. Payoshi Roy a/w Adv. Ulkesh Gangurde & Adv. Palak Dubey,
for the Applicant
Mr Ashok S. Gawai, APP, for the Respondent - State.
PSI – Sanjay S. Ghag, Pairavi Officer, Malvani Police Station,
Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 4th MAY, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 1134 of 2023 registered with Malvani Police Station, Mumbai, for the offences punishable under Sections 302, 324, 323, 114, 141, 142, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 (for short, “IPC”) and Sections 37(1)(a) and 135 of Maharashtra Police Act, 1951.

2. In short, it is a case of the prosecution that on 30th August 2023, Applicant alongwith two co-accused persons came to the spot. There was altercation between co-accused Mansoor and the deceased on the issue of co-accused being not permitted to enter the lane. The co-accused Mansoor is said to have assaulted

the deceased with cement block on his head. Allegation against the present Applicant and another co-accused is that, they caused assault on the deceased with bamboo stick. In the said incident, deceased died. On conclusion of investigation, chargesheet is filed.

3. Learned Counsel for the Applicant submits that there was no motive / intention for the Applicant to commit murder of the deceased. It is her submission that as per the case of the prosecution, co-accused assaulted the deceased with cement block on his head and as reflected in the *post mortem* report, the probable cause of death is head injury. It is her submission that the abrasions, caused to the other part of the body, are not cause of the death and as such the offence of murder cannot be attributed against the Applicant. She also claimed that the Applicant has no criminal history and Applicant is in jail from 31st August 2023.

4. Learned APP opposed the application by submitting that the common intention of the all accused persons in committing murder of the deceased can be seen from their role in the act in question. It is his submission that as per the statements of witnesses, present Applicant caused assault on the deceased with bamboo stick and there is recovery of the weapon of assault from him. It is argued that having regard to the serious nature of crime, Applicant is not entitle for same.

5. *Prima facie* perusal of the record indicates that it was the co-accused who had dispute with the deceased. It is nothing on record to show that Applicant is having any intention / motive for committing murder of the deceased. In the light of this fact, the allegation against the present Applicant is that he caused assault on the deceased with bamboo stick. Pertinently, the co-accused assaulted the deceased on his head with cement block. The Applicant if had intention to kill the deceased, would have inflicted the blows on the vital parts of the body. In absence of any such assault is being caused, this Court finds *prima facie* substance in the contention of the Counsel for the Applicant that the offence punishable under Section 302 of IPC may not get attracted against the Applicant. Learned APP apprehends that considering the nature of offence, if the applicant is enlarged on bail, he is likely to pressurize witnesses. Learned Counsel for the Applicant on instructions make statement that the Applicant would not enter the jurisdiction of Malvani Police Station, till conclusion of trial.

6. Applicant has no criminal history. He is not likely to flee from the justice. He is in jail for a period of more than two and half years, hence, following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 1134 of 2023 registered with Malvani Police Station, Mumbai, for the offences punishable under Sections 302,324, 323, 114, 141, 142, 143, 144, 147, 148, 149 of the Indian Penal Code,

1860 and Sections 37(1)(a) and 135 of Maharashtra Police Act, 1951.

- ii) Applicant be enlarged 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) Applicant not to contact informant or any prosecution witnesses, directly or indirectly and cause interference in the evidence of the prosecution.
- iv) Applicant not to enter the jurisdiction of Malvani Police Station, till conclusion of trial.
- v) Applicant to attend all dates of hearing before the Trial Court unless his presence is exempted by passing specific order.
- vi) Any breach of the above condition shall result forthwith in cancellation of bail.

7. The application is allowed in aforesaid terms and is accordingly disposed of.

8. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the trial.

(R. M. JOSHI, J.)

VDMokal/-