

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 544 OF 2015

Shaharukh Jabbar Pathan	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Shilpa R. Mangale, Advocate for the applicant.
Mr. S.S. Pednekar, APP for the State.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 25th March, 2015.

P.C.

This Application is moved for bail, as the applicant/accused is charged for the offences punishable under sections 307, 142, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under section 135 of the Mumbai Police Act in C.R. No. 283 of 2014. One Amin Rashid Beg has given the information of assault on 4th November, 2014. The incident of assault has taken place on 3rd November, 2014 at around 9.15 hours at Karmala, District Solapur.

2. The complainant and his friend along with some other associates were chitchating, at that time, the applicant/accused and his associates came and started quarreling with them on trivial issue. Thereafter the applicant/accused abused the complainant and gave a sword blow to

Yogesh Mane on the back side of his head. All the accused assaulted the complainant and his associates. The applicant/accused was arrested on 23rd November, 2014 and he is in prison since then. Hence, this Bail Application.

3. The learned counsel for the applicant/accused submitted that this Court has granted bail to the co-accused, who has also participated in the assault, on 18th March, 2015. She submitted that the applicant/accused has assaulted Yogesh Mane and the injuries sustained to him are of simple nature. She further submitted that there is a recovery of sword from the applicant/accused. The investigation is complete and charge sheet is filed by the police.

4. The learned APP has relied on the statement of the complainant and the witnesses. He further relied on the injury certificate of Yogesh Mane. He submitted that there was a joint attack where 4 persons were injured.

5. Perused the FIR and other statement, so also the injury certificate of Yogesh Mane. On query, it is informed that all the injured were discharged within a period of 7 days. The injury is caused to Yogesh Mane though it was of simple nature. The role attributed to the

applicant/accused is that he assaulted Yogesh Mane with sword on the back side of the head. As the investigation is complete and the accused are in prison since November, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) The Application is allowed.
- (ii) The applicant/accused is released on bail on furnishing P.R. Bond in a sum of Rs.15,000/- with one or two sureties in the like amount.
- (iii) The applicant/accused shall not tamper with the evidence.
- (iv) The applicant/accused shall not indulge into any kind of criminal activity.
- (v) The applicant/accused shall not pressurize the complainant and witnesses while on bail.
- (vi) The applicant/accused shall make himself available and attend all the Court dates.
- (vii) The applicant/accused shall not abscond and furnish his permanent address to the police along with address proof.

(viii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

(ix) The applicant/accused shall not leave India without the prior permission of the Court.

6. The Application stands disposed of on above terms.

(MRS. MRIDULA BHATKAR, J.)