

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 152 OF 2015

Ali Hussain Mohammed HafizApplicant

V/s.

The State of MaharashtraRespondent

Mr. Aniket Vagal i/b Mr. Kishor Kamble for Applicant
Ms. Rutuja Ambekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : AUGUST 4, 2015.

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 15/03/2014 in crime no. 41 of 2014 registered at Wadala Police Station for offence punishable under sections 307, 326, 324, 323, 504, 506, 143, 147 & 149 of Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) This Court by an order dated 24/11/2014, has allowed the application filed by co-accused Mohd Anis Hafiz Khan who happens to be brother of present applicant. Present applicant had also filed the application for bail along with his brother Mohd Anis Hafiz Khan and he was applicant no. 2 in Criminal Bail Application No. 1904 of 2014. In the course of hearing, learned APP had submitted that applicant had criminal antecedents and that there

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were several offences registered against the applicant at Wadala TT Police Station for offence punishable under sections, 323, 324 and other offences. In the present case, applicant is being prosecuted for offence punishable under section 307 r/w 147, 148, 149 of Indian Penal Code.

3) Upon perusal of injury certificates, it appears that applicant is alleged to have assaulted Ansar Ali with a sword. Medical certificate would show that injured Ansar Ali had sustained contused lacerated wounds alleged to be caused by a blunt object. All the co-accused are enlarged on bail. Applicant has been in jail for almost 16 months and in view of this, by virtue of doctrine of parity, applicant would be entitled to be enlarged on bail. It is made clear that observations made herein above are restricted to an application under section 439 of Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report to concerned police station on every

alternative Sunday between 10.00 a.m. to 12.00 noon, till the conclusion of trial.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)