

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.455 OF 2015

Nabi Hanif Kureshi

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.U.R. Agandsurve for the Applicant

Mr.S.S. Pednekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 18, 2015**

P.C.:

1. The application is moved for regular bail, by the applicant/accused, who is prosecuted for the offence 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 as the applicant/accused was involved in an act of assault on the night of 3.11.2014 in Kumbharwada in village Karmala, Solapur. It is the case of the prosecution that there applicant/accused alongwith his associates had verbal altercation with the injured and his friends on a trivial issue. However, on 3.11.2014, at night, the applicant/accused and the co-accused met the complainant and his associates. They picked up quarrel. They abused the complainant and his friends. They were armed with swords. The co-accused brnadished sword and assaulted one Yogesh mane and also tried to assault the

complainant Amin Rashid Baig. It is the case of the prosecution that the applicant/accused was holding an iron rod and he alongwith the co-accused assaulted a friend of the complainant, namely, Yogesh Mane, on his legs. After the assault, pursuant to the complainant's information, the offence was registered and the applicant/accused was arrested on 4.11.2014. Hence, this application.

2. The learned Counsel for the applicant/accused submits that the applicant/accused is inside the prison since 4.11.2014. The applicant/accused is innocent. Even if the case of the prosecution is accepted, the role attributed to the applicant/accused is not serious. He submitted that the injuries caused to Yogesh Mane are not of a grievous nature. The learned Counsel submits that there are no criminal antecedents to the credit of the applicant/accused.

3. The learned Prosecutor has opposed the application. He relied on the injury certificate of Yogesh Mane. He also relied on the recovery panchanama which was carried out under section 27 of the Evidence Act pursuant to which the iron rod was recovered by the police at the instance of the applicant/accused.

4. The role attributed to the applicant/accused is limited. He was holding iron rod. He assaulted on the Tibia Fibula of the witness Yogesh Mane. On a perusal of the medical injury certificate of Yogesh Mane, no

injuries are mentioned on his leg or Tibia Fibula. The applicant/accused is inside the prison since 4.11.2014. In view of this, the bail application is allowed on the following terms:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two solvent sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail and shall not jump the bail;
- iv) The applicant shall attend on all the Court dates.

(MRS.MRIDULA BHATKAR, J.)