

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1118 OF 2015

Mr. Mohd. Izhar Mohd. Sami Khan ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Mubin Solkar, Advocate, for the applicant.
Ms. P.P. Shinde, APP, for the State

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 25th June, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 13.5.2015 in Crime No.82 of 2015 registered at Thane Nagar Police Station for the offences punishable under Sections 307, 506(2) read with Section 34 of IPC.

2. It appears that the investigation is almost completed.
3. It is the case of the prosecution that on 10th April, 2015, Mohd. Amir @ Raja Iqbal Khan lodged a report at the police station alleging therein that he had sold his land to one Mrs. Joshi one year ago. He had received the whole consideration. Mrs. Joshi had called him to the Office of Tahsildar. He had been to the Office of Tahsildar. His uncle Irfan Khan met him there. He had called upon Inamullah Khan as he was a partner of

the complainant in the said transaction. At about 6.15 p.m., Irfan Khan and his other relative came to Tehsildar's office. Irfan Khan was insisting Inamullah Khan to sign the papers. Initially, there was verbal altercation between them. Thereafter, Irfan Khan started abusing and asked his associate to get weapons from the car. At that stage, the complainant and Inamullah tried to escape in order to rescue themselves. At that time, it is alleged that the present applicant had caught hold of the complainant and thereafter Irfan had brandished his revolver at the complainant. There was assault by fist and kick blows. The role attributed to the applicant is that when the complainant was fleeing from the spot, he had caught hold of him and thereafter Irfan Khan had assaulted the complainant. The injury certificate of the complainant would show that he had sustained one contused lacerated wound on his parietal skull and one on right forearm which are described as simple injuries. The applicant has been in jail for more than 40 days. Taking into consideration the role attributed to the applicant, further incarceration would not be warranted. The applicant deserves grant of bail.

4. The learned counsel for the applicant has submitted that the co-accused has been enlarged on bail under Section 167(2) of Cr.P.C.

4. The observations made hereinabove are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The 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) The applicant shall be enlarged on provisional cash bail for a period of four weeks from today.
- (iv) The applicant shall report to the concerned police station on every Sunday till the filing of the charge sheet.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)