

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1230 OF 2015

Abubakar @ Maanu Sohrab Khan
V/s.

.....Applicant

The State of Maharashtra

....Respondent

Ms. Naima Shaikh i/b Mr. Khan Abdul Wahab for Applicant
Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 21st JULY 2015

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant is in custody since 05/09/2014. He is arrested in crime no. 208 of 2014 registered at Chunabhatti Police Station for offence punishable under section 307, 342, 506 (II), 323, 324, 504, 326 of Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) It is the case of prosecution that applicant was in love with complainant. In fact, they had even decided to marry. Complainant had subsequently learnt that he is addicted to drugs and therefore, had refused to marry him. However, complainant continued to remain in contact with the applicant. Applicant was under the influence of drugs and had abused and assaulted her. She had lodged a report at R. A. Police Station. Thereafter, they

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had discontinued meeting each other, however, on 02/09/2014, applicant is alleged to have invited her to his house with Ganesh Prasad. On 03/09/2014, she had been to his house at Kasaiwada, Kurla. She halted at night at is place. In the intervening night of 03/09/2014 and 04/09/2014, applicant is alleged to have woke up complainant and insisted upon her to get married to him. There was verbal altercation which had subsequently become violent. Applicant is alleged to have assaulted her with fist and kick blows, a wooden log etc. She was constrained to lodge a report at the police station. On the basis of which, crime no. 208 of 2014 was registered against accused/applicant.

3) Perused papers of investigation, more particularly, injury certificate. Complainant had sustained multiple abrasions on her face and all over her body. There was loosening of upper lateral incisor teeth which was termed as grievous injury.

4) Learned counsel for the applicant submits that parents of the applicant had taken the best of efforts to keep him away from the drugs and therefore, they used to send him to the rehabilitation centre. After a passage of time, he would continue to consume drugs. He has also been convicted under section 27 of N.D.P.S. Act. Learned counsel submits that after returning from

rehabilitation centre, he used to suffer from withdrawal symptoms and has committed offence in a disturbed state of mind. Learned counsel submits that he deserves a chance.

5) Learned APP submits that applicant has criminal antecedents. Proceedings were initiated under Bombay Police Act. Learned APP expresses the apprehension that after being enlarged on bail, in all probabilities, he would indulge into similar activities and therefore, does not deserve bail.

6) Taking into consideration the fact that applicant has been in jail since 05/09/2014 and his parents wish to make a genuine effort of rehabilitating him, this Court is inclined to grant bail upon imposing certain conditions.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall not reside in Nehru Nagar, Chunabhatti area and shall also not enter in the jurisdiction of Goregaon (West) Police Station.
- (iv) Applicant shall report to the concerned police station on first

Sunday of each month till the conclusion of trial.

(v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)