

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1373 OF 2015

Ramjan Munir Sheikh @ Baba Chaddi. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sarang S. Aradhye, advocate for Applicant.

Ms. S.S. Kaushik, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 12, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 2/1/2014 in
Crime No. 2 of 2014 registered at Shanti Nagar Police Station for the
offence punishable under Section 326, 324, 323, 504 read with
Section 34 of the Indian Penal Code. The investigation is completed

and charge-sheet is filed on 29th March, 2014 and the applicant has been charge-sheeted for offence punishable under Section 307 of the Indian Penal Code.

3 It is the case of the prosecution that on 2/1/2014 one Kamrujama Ansari lodged report at the police station alleging therein that the present applicant alongwith two others had gone his hotel. They were under the influence of alcohol. They had asked for water. The complainant had requested them not to visit the hotel under influence of alcohol, as it affects his business. The applicant and his associates, being enraged by the conduct of the complainant had mounted assault upon him.

4 The medical case papers would show that the complainant had sustained one cut wound on left side of the chest and contused lacerated wound on the left hand palm. The first injury was grievous in nature. His brother Badruzzama Ansari had sustained two simple injuries. There are no criminal antecedents. C.T. Scan performed on the complainant showed that he was diagnosed with mild

pneumothorax associated with hemothorax and subcutaneous abrasions. The certificate issued by Late Kashinath Patil Hospital shows that the injuries could be life threatening. In view of this, the applicant is being prosecuted for offence punishable under Section 307 of the Indian Penal Code.

5 Taking into consideration the fact that the incident had occurred on the spur of moment without any premeditation, the applicant is entitled to be enlarged on bail, since he has been in custody for almost 18 months.

6 The abovesaid observations are prima facie in nature and are restricted to decide the application under section 439 of the Code of Criminal Procedure, 1973. The same shall not be considered while deciding the application for discharge or quashing of FIR or at the time of trial. The learned Trial Court shall decide the same on its own merits in accordance with law uninfluenced by the above observations.

7 Hence, following order is passed :

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 more sureties in the like amount.
- (iii) The applicant shall report to the police station on 1st Sunday of every month between 10 a.m to 1 p.m. till conclusion of the trial.
- (iv) The applicant shall also remain present on each and every date of trial.
- (v) Upon being enlarged on bail, the applicant shall furnish his permanent address, landline number, cell phone number to the investigating officer.
- (vi) Upon failure to attend any two consecutive dates either at police station or at the time of trial, the prosecution shall be at liberty to file an application for cancellation of bail.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)