

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1677 OF 2015**

Mujibur Rehman Habibur Rehman Ansari	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Abhijeet Mantry I/b Mr. V. G. Bagade for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

Mr. Rupesh C. Nagral, PSI from Chunabhatti Police Station is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 14TH SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 121 of 2015 registered with the Chunabhatti Police Station, Mumbai, for the alleged offences punishable under Sections 326, 324, 506(ii), 504, 34 of the Indian Penal Code.

3. The complainant is one Sarfaraz Mohammed Anwar. He has stated that on 20th May, 2015 at about 11:30 p.m., the present applicant along with one Salman came to the building. He has alleged that both, the present applicant and Salman were armed with a wooden stick i.e. bamboo. He has alleged that co-accused Salman confronted him saying that had his father not opened his mouth in the murder case, nobody would have known about it, and that his father had got him arrested in theft cases. It is alleged that co-accused Salman assaulted the complainant with a bamboo stick, pursuant to which he fell down. It is alleged that thereafter, the present applicant also assaulted him on the right side of his waist. It is alleged that when people came forward, both Salman and the present applicant threatened the people with dire consequences.

4. Learned Counsel for the applicant submits that with respect to the same incident, the applicant has also lodged a complaint *qua* the complainant Sarfaraz Mohammed Anwar on 22nd May, 2015, alleging offences punishable under Sections 324, 506(2), 504, 506, 34 of the IPC. He submitted that the investigation in the present case is complete and charge-sheet is filed. He submitted that considering the nature of injuries

sustained by the applicant, the applicant be enlarged on bail. According to him, the motive alleged is as against co-accused Salman and not the present applicant.

5. Learned A.P.P submits that the investigation in the cross case i.e. of C.R No. 122 of 2015 is going on. She submits that in the said incident, neither the applicant nor Salman have received any injuries. She further submitted that there is a recovery of a bamboo stick, at the instance of the applicant. On being questioned whether there are any antecedents qua the applicant, on the instructions of the Investigating Officer, who is present in Court, she states that there are no antecedents qua the applicant.

6. Perused the papers, in particular, the statement of Sarfaraz Anwar. The applicant is alleged to have assaulted the complainant with a bamboo stick on his waist. There is no motive alleged as against the present applicant. The applicant has no antecedents.

7. Considering the nature of allegations and the material on record qua the applicant and the fact that the investigation is complete and

charge-sheet is filed, the applicant be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. for twelve months
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to attend the trial Court on all the dates.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed Order.
