

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2146 OF 2015

Sadiq Mahmud Jhatam ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
BAIL APPLICATION NO.2147 OF 2015**

Imitiyaz Kadir Mukadam ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Abad Ponda i/b. Mr. Amol Deshpande for the Applicants.
Mr. S.S. Pednekar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd NOVEMBER, 2015.

P. C. :

These are the bail applications filed by the aforesaid Applicants (accused Nos.4 and 2), who have been arrested in Crime No.146 of 2015 registered at Mangaon Police Station, Raigad, for the offences punishable under sections 307, 353 and 506 r/w. section 34 of the IPC.

2. Heard the learned counsel for the Applicants and the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records prima facie reveal that one Mahesh Laxman Sagar, Tahasildar/S.D.M. of Mangaon, had lodged a FIR dated 10th October, 2015 stating that on 10th October, 2015 at about 12.30 a.m. while he was discharging his duty he had tried to intercept the dumper MH-05-AM-2141. However, the driver did not stop the vehicle and when he tried to stop the vehicle, the driver tried to run the vehicle over him to kill him. Subsequently, he took the driver of the said dumper to one Anand Hotel, Mangaon. It is alleged that the Applicants were present in the said hotel and that they had obstructed the complainant from discharging his duty.

4. The FIR does not reveal that the Applicants were involved in the offence under section 307 of the IPC. The allegations against the Applicants are for committing offences under sections 353 and 506 of the IPC. Maximum sentence for offence under section 353 of the IPC, which is only the non bailable offence, is two years. The

Applicants are in custody since 10.10.2015. Considering the nature of the offences and the allegations levelled against the Applicants, in my considered view the presence of the Applicants is no more required in the custody for interrogation.

5. Under the circumstances, and in view of the discussion supra, the applications are allowed on the following terms:-

(i) The Applicants are ordered to be released on bail on furnishing bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety in the like amount to the satisfaction of the J.M.F.C., Mangaon.

(ii) The Applicants shall report to the Investigating Officer from 10.00 a.m. to 1.00 p.m. for four days and further as and when required by the Investigating Officer for the purpose of the interrogation.

(ANUJA PRABHUDESSAI, J.)