



2. The said accused are charge-sheeted accordingly by said police station as a result of F.I.R. lodged by one Ali Dada regarding an incident which had occurred at Lime and Spice hotel on 21-08-2014 at about 8.15 pm, in which the applicants in prosecution of their common object unlawfully assembly and have attempted to commit murder of witnesses Mustafa, Alidada, Iqbal and Hasan.

3. The perusal of the charge-sheet and particularly account of incident as reflected from the statements of eye witnesses/injured witnesses and their medical certificates supports the submissions canvassed by the learned counsel for the applicants that alleged acts constituting an offence under Section 307 of Indian Penal Code is highly debatable.

4. Having regard to it and having regard to the fact that the offences for which the applicants are charge-sheeted are not exclusively punishable

with death or imprisonment for life and the main assailant already released on bail and the incident was the outcome of a dispute extending in between the parties on the count of erecting illegal construction, the prayer for bail deserves consideration. It will deserves consideration accordingly as a counter F.I.R. is also said to have been lodged on account of previous dispute regarding same incident.

5.           However having regard to the fact that the incident has occurred due to dispute existed between the parties during the day light nearby a public road, it appears proper to impose certain conditions to ensure that the order of bail is not misused for the oblique purpose and/or to prevent the occurrence of similar incident in future.

6.           Resultantly, application is allowed.

7.           Each of the applicant is directed to be

released on bail upon furnishing P.R. Bond in sum of Rs. 50,000/- (Fifty Thousand) with one or more sureties to make up like amount and subject to the conditions that after release the applicants shall,

(a) not enter the area of Greater Bombay without permission of the trial Court save except only for attending the trial Court on dates fixed for case against them.

(b) deposit their passports, if any, with the investigating officer and in event of themselves not having passport they shall file an affidavit to such effect with the investigating officer.

(c) not indulge in any activity of tampering the prosecution evidence and/or not indulge in any activity of coercing, threatening and pressuring the prosecution witnesses.

(d) not misuse the bail granted by this order for fleeing away or for any other oblique purpose.

(e) inform the place of their abode and shall attend the local police station on every Monday for a period of one month in between 11.00 am to 1.00 pm and thereafter on every alternate Monday until further order.

Application stands disposed of.

(P.D. KODE, J.)