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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1180 OF 2016

Salauddin Jalauddin Mandal

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Ms. Pooja Dubey for Applicant.
Ms. J.S. Lohakare, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 26th September 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.I-198 of 2015 registered with Koparkhairane Police Station, Navi Mumbai dated 2.7.2015 under Sections 363, 387, 452, 504, 506(2) read with 34 of the Indian Penal Code.

2 The first information report dated 2.7.2015 is lodged by Ganesh D. Salve. It is stated in the said report that, the informant had purchased a room No.B-302 in Mujawar Apartment situate at Sector No.20, Koparkhairane, Navi Mumbai from the owner Yunus Mujjwar in the year

2003. The possession of the said room was taken by the informant. As there was leakage in the bath-room of the said room, the informant decided to do plumbing work and repairing and for that purpose he shifted his entire articles/belongings and kept it at a separate place. The work of repairs was being carried out from June to September 2014. That on 19.9.2014 in the evening at about 7.00 p.m., when the informant was sitting alone in his house, accused No.1 Yunus Mujawar along with two persons came to his house and abused him in filthy language and threatened him to vacate the said room. The accused No.1- Yunus Mujawar along with other accused persons took the informant to the adjoining under-construction building where Yunus Mujwar assaulted the informant with iron rod and when the informant asked Yunus Mujawar about the said act, Yunus Mujjawar took out a fire-arm i.e. pistole and forced the informant to sign on blank papers. The signatures of the informant was taken by Yunus Mujawar on blank paper under durress and coercion. After informant signed the said papers, Yunus Mujawar released the informant from wrongful confinement. It is further stated that the informant after the gap of two to three days again had been to the office of Yunnus Mujawar and asked him about the said act upon which Yunus Mujawar threatened him and told the informant not to visit the said place again. In the premise, the first information report is

lodged.

3 It is to be noted here that, the anticipatory bail application preferred by the principal accused Yunnus Mujawar and co-accused Pritesh Deshmukh are pending for final adjudication before this Court. After perusing the copy of the chargesheet filed against the applicant, it is seen that the applicant was an unknown person to the informant. That during the course of investigation and till filing of the chargesheet, the test identification parade of the applicant has not been conducted by the Investigating Agency. There is ambiguity about the identity of the applicant. Even otherwise, the main allegations are against the principal accused Yunnus Mujjawar. In view of the same, the applicant has made out a case for his release on bail.

4 Hence, the following Order:

(i) The applicant be released on bail CR No.I-198 of 2015 registered with Koparkhairane Police Station, Navi Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Koparkhairane Police Station, Naavi Mumbai once in month i.e. on every 1st Monday of the said month between

11.00 a.m. to 2.00 p.m.

(iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5 The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)