

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1322 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ram Upadhyay for the Applicant.
Smt. H.J. Dedhia, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 18th August, 2016

P.C.

This is an application for bail by the applicant in CR No.418/2015 registered with Byculla Police Station, Mumbai registered under Section 307, 326, 324,323,332,353,144,145,147,148,149 and 504 of the Indian Penal Code.

2) The first information report is lodged by Mohammed Irfan Mohd. Ishak Choudhary. In the said report it is stated that due to the earlier enmity between the complainant and his family members on one hand and Moin Yusuf Khan (co-accused) and other accused persons in the present crime on the other hand, the applicant along with other co-accused persons assaulted the witnesses namely Farhan Ijhar Khan, Smt. Amrin Choudhary, Fardin Khan and Ijihar Khan. The witness Farhan Khan has received CLW on his head and other injuries. As far as witness Ijihar Khan is concerned, in the said assault he has lost his teeth. As far as assault on Farhan Khan is concerned the role of said assault is attributed to

accused Moin Yusuf Khan. As far as injuries suffered to Ijihar Khan, the first information report discloses that co-accused Yunus, Faim and Lalu assaulted him with bambu sticks, Iron rod, sticks and fist blows. As far as present applicant is concerned, he has been attributed the role of assault with wooden plank to the complainant Mohd. Irfan Mohd. Isak Choudhary. On perusal of the statements annexed to the charge sheet, as far as the applicant is concerned, general allegations were made against him while impleading in the present crime. The applicant is arrested on 27.11.2015 and after completion of investigation, police have filed the charge sheet. The learned APP submitted that there are no antecedents against the applicant. In view of the same, I am inclined to release the applicant on bail .

Hence, the following order.

- a) The applicant be released on bail in CR No.418/2015 registered with Byculla Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- b) After his release from Jail the applicant shall attend the trial court on every date.
- c) Any two consecutive defaults in attending the court dates shall attract the provisions under Section 439(2) of the Cr.P.C.
- d) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)