

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2335 OF 2016

Mohammed Rais Izhar Ul Haq
Ansari

.....Applicant

V/s.

The State of Maharashtra
and anr.

.....Respondents

* * * * *

Mr. Rishi Bhuta, Advocate for the applicant.

Smt. N.S. Jain, APP for respondent, State.

CORAM :- N. W. SAMBRE, J.

DATED :- 1ST DECEMBER, 2016.

P.C. :-

1). The applicant is seeking regular bail in Crime No. 283 of 2016 for offences punishable under Sections 323, 324, 504 read with Section 34 Indian Penal Code for alleged incident dated August 31, 2016.

2). At the behest of the brother of the applicant, another crime being Crime No. 282 of 2016 for offences punishable under Sections 394, 326, 324, 504, 506 read with Section 34 Indian Penal

Code is registered out of the same incident.

3). Apart from absence of criminal antecedents, a case for bail is sought to be canvassed on the ground that, there being a counter FIR, false implication cannot be ruled out. It is also urged that since the investigation in the matter is complete as the chargesheet is filed, further detention of the applicant is not required.

4). The learned APP opposed the bail stating that the injury caused is grievous and there is, *prima-facie*, involvement as the weapon used in the commission of the crime is recovered from the applicant.

5). In absence of criminal antecedents and the counter FIR, in my opinion, false implication of the applicant cannot be ruled out. The investigation in the matter is already complete. Hence, the application is allowed.

6). The applicant be released on bail on P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

7). The applicant shall not tamper with the evidence and/or influence the witnesses in any manner whatsoever.

(N.W. SAMBRE, J)