

Anand

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

BAIL APPLICATION No.288 OF 2017

Sahabaj Firoj Khan

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Vaibhav V. Ugle, Advocate, for the Applicant

Mr.Rajan Salvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2017

P.C.

. Learned counsel for the Applicant seeks leave to amend. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the parties.

3. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.173 of 2016 registered with the Samarth Police Station, Pune, for the alleged offences punishable under Sections 307, 323 r/w.34 of the Indian Penal Code and under Sections 3, 4(25) of the Arms Act.

4. Learned counsel for the Applicant states that

although the Applicant is alleged to have held a knife on the complainant's neck, the complainant has not received any injuries. He submits that co-accused Arbaj Khan has been enlarged on bail by the Sessions Court.

5. Perused the papers.

6. It appears that some incident had taken place on 11.09.2016, however, the Applicant was not involved in the said dispute. It appears that on 15.09.2016, the Applicant questioned the complainant why he had instigated Firoj Khan to lodge a complaint and told him to tell Yasin Shaikh not to lodge a complaint. The complainant has alleged that the Applicant gave him a slap and thereafter, left the spot. According to the complainant, on the very same day, in the afternoon, the present Applicant alongwith his brother co-accused Arbaj Khan came and started abusing him, pursuant to which his mother came and tried to resolve the dispute. According to the complainant, the Applicant and co-accused Arbaj Khan went near a pan shop; that Arbaj Khan pulled out a pistol and the present Applicant pulled out a knife and came back. He has stated that Arbaj Khan held the pistol on his head and stated that he will see him, whereas

the present Applicant held a knife on his neck and stated that he would finish him. He has stated that as his mother pushed the two persons away, both the said persons ran from the spot. Admittedly, the complainant had not received any injuries in the said incident. In fact, there is no Injury Certificate on record. The Applicant has been in custody since 15.09.2016. Investigation is complete and charge-sheet is filed. There are no antecedents qua the Applicant.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the **first Saturday of every month** between **10:00 a.m. to 11.00 a.m.** till the conclusion of the trial;

(iii) The applicant shall not tamper with the or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)