

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

BAIL APPLICATION NO. 481 OF 2017

Kalim Kasim Nadaf ..Applicant

v/s.

The State of Maharashtra ..Respondents

Mr. Sachin Deokar for the Applicant
Mr. Saoraj Hulke for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 23rd JUNE, 2017.**

P.C.

1. This bail application is filed by the applicant, who is accused no.4 in Sessions Case No.610 of 2015, pending on the file of the Addl. Sessions Judge, Pune.
2. Heard Mr. Deokar, the learned Counsel for the applicant, and Mr. Hulke, the learned APP for the State. I have perused the record and considered the submissions advanced by the learned Counsel for the respective parties. FIR dated 27th April, 2015 lodged by Mohd. Salim Saidu Rahman Mujumdar prima facie reveals that about 15

days prior to the incident, the co accused Ikkya Shaikh was involved in eve teasing the daughter of deceased Akbar Bhaiya. The deceased and the first informant had questioned Ikkya Shaikh about the said incident. It is alleged that the applicant herein as well as the co-accused Yogesh Adsul and Amya were present at the place of the incident. In the course of the altercation, the deceased Akbar had slapped the co-accused Ikya and that Ikya and the other co-accused, including the applicant had threatened the deceased Akbar of dire consequences.

3. The first information report further reveals that on 26.4.2015 at about 8 pm while the deceased was at the construction site of New Front Housing Society, the applicant, alongwith Ikkya Shaikh, Yogesh Adsul and Amya came to the construction site. They assaulted Akbar by kicks and fist blows and after he fell on the ground, Yogesh Adsul picked up a stone which was lying at the site of the incident and threw the same on the head of Akbar. Said Akbar was taken to the hospital, where he was declared dead.

4. The postmortem report reveals that said Akbar had expired as a result of the head injury. The material on record does not prima

facie indicate that the applicant herein was armed with any weapon or that he was involved in inflicting the said fatal injury. On the contrary, the first information report as well as the statements of the other eye witnesses prima facie indicate that the vital injury was caused by Yogesh Adsul.

5. There is nothing to suggest that the applicant had criminal antecedents. The applicant is a young boy of 24 years. He is in custody since 2015 and the trial has not yet commenced. Furthermore, the co-accused Sagar Bansode has also been released on bail. Considering all these aspects, in my considered view, the applicant is entitled for bail. Hence the application is allowed on the following terms and conditions.

- i) The applicant is ordered to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with one or two sureties in the like amount;
- ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10.00 a.m. to 11 a.m. till the conclusion of the trial;
- iii) 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;

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

v) The applicant shall co-operate with the conduct of the trial;

(vi) An undertaking to the aforesaid clauses (ii) to (v) shall be filed by the applicant in the Trial Court within two weeks of his release.

(ANUJA PRABHUDESSAI, J.)