

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.BAIL APPLICATION NO.529 OF 2017**

Imran Hashmi

.... Applicant

vs

State of Maharashtra

.. Respondent

Mr.S.A.Shaikh for Applicant

Mr.M.G.Patil APP for State

CORAM : PRAKASH D.NAIK, J.

DATE : 8 JUNE 2017

P.C.

1. This is an application for bail. The Applicant is arrested in connection with C.R.No.164 of 2016 registered with Shivaji Nagar police station for offence under sections 307,323,504,506 (2) IPC. The prosecution case is that on 21.4.2016 the Applicant and co-ccused Irfan had assaulted the injured persons. The Applicant was armed with a sword and he tried to give a blow on the head of the complainant. However, he dodged the said attempt and therefore, the injury was caused to his hand. The medical certificate refers to two injuries in the form of CLW over right palm and left fore arm. The medical certificate however, does not indicate whether the injury is simple or grievous. Learned Advocate appearing for the Applicant submitted that he is arrested on 22.4.2016 and since then he is in custody. The investigation is completed and the charge sheet has been filed.

2. The learned APP has opposed the application for bail. He submitted that overt act has been attributed to the Applicant. The Applicant was armed

with a sword and tried to kill the complainant and therefore, an offence under section 307 of IPC is registered. He also pointed out that there are criminal antecedents against the Applicant which are pending in the Court of law.

3. I have perused the First Information Report and other documents on record. No doubt the role attributable to the Applicant is of assault on injured person. It appears that prima facie offence under section 307 IPC. The medical certificate refers to two injuries in the nature of C.L.W but, it does not indicate whether the injuries are grievous or simple. The trial will not commence immediately. Charge sheet is filed.

4. Taking into consideration the aforesaid facts, I am inclined to grant bail to the Applicant on certain conditions.

O R D E R

- (i) The Applicant be released on bail on furnishing P.R.Bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall not temper with the evidence;
- (iii) The Applicant shall not reside within the jurisdiction of Shivaji Nagar police station;
- (iv) The Applicant shall give details of his address where he will reside and report to the nearest police station once a week on every Saturday between 5 p.m. to 7 p.m. till the trial is over;
- (v) The Applicant will not tamper with the witnesses.

Application stands disposed.

(PRAKASH D.NAIK, J)

