

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 808 OF 2017**

Arif Khan Faizulla Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rameshwar N. Gite for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 5th MAY, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-28 of 2017 registered with the Chavani Police Station, Malegaon, Nashik, for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 323, 427 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the aforesaid complaint has been filed as a counter-blast to the incident, which took place

on the very same day i.e. on 14th February, 2017 at about 4:00 a.m. He submits that the applicant has been falsely implicated in the said case. According to the complainant-Machhindra Govind Shirke, he is an Animal Welfare Officer and that on the date of the incident i.e. 14th February, 2017 at about 11:45 a.m., 25-30 named and unknown persons came to the spot, where his Tata Sumo was parked and identified him as a person who was getting persons transporting cows, arrested. According to the complainant, the said persons damaged his Tata Sumo vehicle and assaulted him with wooden logs, iron rods, etc.

4. Learned A.P.P states that she has no instructions.

5. In a similar matter, in the application filed by Tanveer Khan Khalil Khan, interim protection was granted to him vide order dated 2nd May, 2017. In the said order, it was observed that the injuries sustained by the complainant are a CLW over frontal region and over right parietal region and an abrasion over the face. Infact, in the said order, it was also observed that the complainant had, on his Tata Sumo, over its number plate, put up a plate stating that he was *Zilla Mantri* of Vishwa Hindu

Parishad. The Investigating Officer was directed to verify whether such plates were permissible and as to what action the police intend to take. The police were also directed to find out whether the complainant was an Animal Welfare Officer at that time or not, as the said fact was seriously disputed.

6. Considering the nature of injuries and the fact that the applicant has been in custody since 2nd March, 2017, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

- (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 every Monday from 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet;
- (iii) The applicant shall not tamper with the evidence 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 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.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.