

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1156 OF 2017

RAJU NAFISUL KHAN)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Nitin Kamble and Mr.Pankaj More, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 3rd NOVEMBER 2017

P.C. :

1 The applicant / accused in Crime No.34 of 2016 registered with Kurla Police Station for offences punishable under Sections 307, 323, 364 read with Section 34 of the IPC, by this application, is seeking his release on bail during pendency of the trial.

2 Heard the learned advocate appearing for the applicant / accused. He argued that the role attributed to the

present applicant / accused is only that of assaulting the injured with fist and kick blows. The learned advocate further argued that considering the nature of offence and as investigation of the crime in question is over, further pretrial detention is not warranted.

3 The learned APP opposed the application by contending that crime in question is serious.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet. The crime in question is registered on the basis of report lodged by injured Anjana Ansari. The First Information Report (FIR) lodged by Anjana Ansari goes to show that on earlier occasion, the present applicant / accused along with co-accused Raju, Mani and Islam had teased sister of Salman. There was quarrel because of this incident of eve teasing and at that time, the present applicant / accused as well as his three associates namely Raju, Mani and Islam had threatened the residents of locality with dire consequences. The First Informant

further reported that on 1st February 2016, when he was going for his work of selling toys in the city, in two rickshaws, the present applicant / accused and his three associates Raju, Mani and Islam came there and assaulted him. They all abducted him by forcing him to sit in rickshaw. He was taken over a bridge and at that place, he was assaulted by means of kicks and fist blows. Then the applicant / accused and his associates declared their intention of killing him. He was lifted and thrown from the bridge. He suffered a fall on a tree and therefore, he was survived.

5 Injury certificate of Anjana Ansari shows that he had suffered four fracture injuries to his limbs.

6 Statements of witnesses recorded by the Investigator go to show that the applicant / accused and his associates were indulging in eve teasing in the locality and they had wielded a reign of terror in the locality. Thereby, residents of the locality were not showing daring to lodge report against the present applicant / accused as well as his associates.

7 With this material on record, prima facie intention to kill injured Anjana Ansari is reflected. Apart from this, statements of witnesses go to show that there is every possibility of tampering evidence of the prosecution, if the applicant / accused is enlarged on bail.

8 Considering the nature of offence and the manner in which it is committed, and the fact that the spot panchnama reflects height of the bridge as 30 feet, I am of the opinion that this is not a case for grant of bail.

9 The application is, therefore, rejected.

10 It is seen that the applicant / accused is an under-trial prisoner from February 2016. As such, the learned trial court is requested to expedite the trial and to conclude it, as far as possible, within a period of eight months, from the date of communication of this order.

(A. M. BADAR, J.)