

Anand

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

BAIL APPLICATION NO.1373 OF 2017

Mohd. Rahees Ansari

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.S.Pille, Advocate, for the Applicant

Ms J.S.Lohakare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 01.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-127 of 2016 registered with the Kanjur Marg Police Station, Mumbai, for the alleged offences punishable under Sections 307, 452, 323 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant states that investigation is complete and charge-sheet is filed. He submits that the nature of injuries sustained by the Complainant are simple in nature.

4. Learned APP opposes the Application.

5. Perused the papers. It appears that the Applicant was having illicit relations with the Complainant – Neeraj Mishra's wife – Asha Mishra (Original Accused No.1). According to the Complainant, his wife – Asha Mishra was having an extra marital affair with the Applicant and that he had seen the Applicant's photograph on his wife – Asha's mobile. He has stated that when the Complainant learnt about the extra marital affair of his wife – Asha, his wife – Asha apologized. He has stated that on 14.08.2016, his wife switched off the lights of the room and went out to throw garbage and after she returned, she left the door hall open. He has stated that when his wife – Asha returned, she started pressing his legs and asked him to turn on his stomach. He has stated that when he was lying, his wife – Asha took a pillow and tried to choke him. He has stated that he got up and asked her not to choke him. He has stated that suddenly, he saw one person and that the said person was the same person, whom he had seen on his wife's mobile. He has alleged that his wife – Asha was pressing his mouth and the said person (Applicant) was trying to choke the Complainant. He has stated that he bit his wife's hand, pushed her, and started shouting, pursuant to which, the Applicant ran away from the spot. The injuries sustained by the

Complainant are superficial abrasion over front side of neck due to nails. Investigation is complete and charge-sheet is filed. The Applicant is in custody since 19.08.2016. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.30,000/-** with one or two local solvent sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Saturday of every month** between **10.00 a.m. to 12.00 noon** till the framing of charge;
- (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 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 in the conduct of the trial.

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

7. 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.)