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

CRIMINAL BAIL APPLICATION NO.1437 OF 2017

Azaz Abdul Samad Qureshi @Shirpurya	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.C.S.Damre, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 5th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-83 of 2016 registered with the Pawarwadi Police Station, Malegaon, for the alleged offences punishable under Sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the Applicant submits that taking the

prosecution case as it stands, no offence under Section 307 of the Indian Penal Code is disclosed, qua the applicant. He submits that the incident took place at the spur of the moment and that the applicant is alleged to have assaulted Shakil Ahmed Abdul Latif with a hydraulic shock absorber rod of the motorcycle. He submits that the applicant has been in custody, since September, 2016. He submitted that the applicant's father i.e. co-accused has been enlarged on bail. He further submitted that the applicant, has no antecedents.

4. Learned APP opposed the application.

5. Perused the papers. It appears that the complainant along with his brother had gone to the applicant's house for demanding the balance amount of Rs.3,000/-, which the applicant was supposed to pay towards the bike sold by the complainant. It is alleged that when the said amount was demanded, the applicant got enraged and assaulted the complainant with the hydraulic shock absorber rod of the motorcycle. The injury certificates of the injured does not show that the injuries are grievance in nature. The applicant has been in custody since September, 2016. Whether or not an

offence under Section 307 of the Indian Penal Code is disclosed, qua the applicant, is a matter which will be decided by the trial Court. The incident has taken place at the spur of the moment. Investigation is complete and charge- sheet is filed.

6. Considering the aforesaid, 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 furnishing P.R. Bond in the sum of Rs.20,000/- 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 11:00 a.m., for a period of 12 months;
- iii) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.
8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)