

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 1709 OF 2017**

Imran Kaisar Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sandeep Maurya for the Applicant

Mr. V. V. Gangurde, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**MONDAY, 21<sup>st</sup> AUGUST, 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. 382 of 2015 registered with the Nirmal Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 307, 141, 143, 146, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.
3. Learned Counsel for the applicant seeks bail on the ground of parity. He relied on the order dated 1<sup>st</sup> August, 2017, passed by this Court (Coram : P. D. Naik, J.) in an application preferred by co-accused Shabbir

Shaukat Hussain Shaikh being Criminal Bail Application No. 1725 of 2017. He submitted that infact, the applicant stands on a better footing than co-accused Shabbir Shaikh. He submitted that although the incident is witnessed by several witnesses; some of the witnesses have stated that the applicant was not present at the spot; some have stated that he was only present at the spot and only one injured has stated that the applicant instigated others to assault the deceased. He further submitted that the applicant's name is also not disclosed in the FIR. He further submitted that the applicant has no antecedents.

4. Learned A.P.P does not dispute the aforesaid.

5. Perused the papers. The incident took place on 21<sup>st</sup> December, 2015. It is alleged by the prosecution, that all the accused assaulted the deceased-Vikas Kamble and his friend on account of an earlier incident i.e. assault on Nasir Shaikh. It is further alleged that the accused assaulted the injured persons by iron rod and fist blows, pursuant to which, Vikas Kamble (deceased) succumbed to the injuries. The applicant has not been named in the FIR. Some of the witnesses have not disclosed the presence

of the applicant at the spot; some have stated that the applicant was present at the spot and that only one injured has stated that the applicant instigated the other co-accused to assault the deceased. Investigation is complete and charge-sheet is filed. The applicant is in custody since 4<sup>th</sup> February, 2017. The applicant has no antecedents.

6. Considering the role of the applicant, 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. 25,000/- with one or more sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 11:00 a.m. to 1:00 p.m., till the conclusion of the trial;
- (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 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.**