

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2450 OF 2017

Mr.Umar Ikhlaq Kasam Patel ... **Applicant**

V/s.

The Senior Police Inspector,
Juhu Police Station & Anr. ... Respondents

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Mr.Mateen A.R.Shaikh, Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondents/State.

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CORAM : A.M.BADAR J.

DATED : 21th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.140 of 2017
registered with Juhu Police Station, Mumbai for offences
punishable under Sections 307, 326, 504, 143, 147, 148, 149 read
with Section 34 of the Indian Penal Code, by this application, is
seeking his release on bail during pendency of the trial.

2 The learned Advocate appearing for the
applicant/accused argued that the applicant is just 18 years and 3
months old boy, who is involved in the crime in question because
of dispute between his father i.e. Ikhlq and First Informant Javed
Shaikh. The learned Advocate further argued that the First

Informant is having chequered history of crimes against him. He has implicated members from family of the Ikhlaq Patel in the crime in question. The learned Advocate drew my attention to the injury certificate of First Informant Javed.

3 The learned Additional Public Prosecutor opposed the application by submitting that there is an eye-witness named Dhondiram Vichare, who has spoken about the complicity of present applicant in the crime in question. At the instance of applicant, weapon of the offence i.e. wooden stump having iron point at one side came to be recovered.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet.

5 The applicant is a young boy, who seems to be 18 years and 5 months old. In the charge-sheet itself, his age is shown as 18 years. It is also seen that co-accused Ikhlaq and First Informant Javed were on inimical terms. The FIR itself shows that both of them had lodged several reports against each other. The role attributed to the present applicant is assault on the First Informant by means of a stump. It is further averred by the First Informant that main accused Ikhlaq has assaulted by an iron rod on forehead as well as hands of the First Informant. When this version of the First Informant as well as witness named Vichare is

compared with the injury report filed with the charge-sheet, then it is seen that First Informant Javed has suffered fracture injury on supra orbital region and contused lacerated wounds on forehead.

6 The investigation of the crime in question is over. The First Informant is reported to be discharged from the hospital long back. In this view of the matter, further pre-trial detention of the young boy aged 18 years is not at all warranted. Therefore, the Order :

- (i) The application is allowed.
- (ii) The applicant/accused in Crime No.140 of 2017 registered with Juhu Police Station, Mumbai for offences punishable under Sections 307, 326, 504, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant shall not tamper with the prosecution evidence.
- (iv)The applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to the Police Officer.

7 At this stage, the learned Advocate for the applicant submits that Ikhlaq, who is father of the present applicant is also behind bar and, therefore, for the period of eight weeks, the applicant be released on furnishing cash bail.

8 In this view of the matter, the applicant/accused is directed to be released on furnishing cash security of Rs.15,000/- for a period of eight weeks in order to enable him to arrange surety.

(A.M.BADAR J.)