

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

BAIL APPLICATION NO.2581 OF 2016

Sarfaraaz Hussain Kaladgi Applicant

versus

State of Maharashtra ... Respondent

WITH

BAIL APPLICATION NO.2630 OF 2016

Rehan Lahifahamed Siddki Applicant

versus

State of Maharashtra ... Respondent

Mr.Ritesh Thobde, Advocate for the Applicant.

Mr.Vinod Chate, APP for the Respondent/State.

Mr.D.B. Ligade, (PSI, Vijapur Naka Police Station, Solapur City).

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 23rd JANUARY, 2017.

P.C. :

1. This application is moved for bail by the applicant/accused. The applicant/accused Sarfaraaz Hussain Kaladgi is the accused in C.R.No.557/16 of Sadar Bazar Police

Station, Solapur City, registered on 05/11/2016 and are prosecuted for the offences punishable under sections 307, 324, 323, 504, 506, 427, 120 (B), 143, 147, 148, 149 of the Indian Penal Code and under sections 4/25 of the Indian Arms Act and under sections 135 of the Maharashtra Police Act alongwith Section 7 of Criminal Law Amendment. The offence is registered at the instance of one Sarfaz Samad Jahagirdar on 05/11/2016.

2. It is stated that on 04/11/2016 at around 02.00 p.m. his father was dashed by one Rikshaw driver and he threatened his father on the same day. The member of Salar family attacked at 08.30 on 05/11/2016 and assaulted brother of the complainant and the complainant. They all were armed with weapons. The complainant and his relatives were injured. In this assault four persons were injured. The applicant/accused was arrested on the same day i.e. on 05/11/2016.

3. The applicant alongwith co-accused has again attacked members of family of Jahagirdar in the Civil Hospital. Separate offences are registered against them. Hence this bail application.

4. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. He has not committed any offence. His name is not mentioned in the FIR. He further submitted that there is no evidence against the applicant/accused. No role is attributed to this accused persons. He is arrested only on suspicion.
5. The learned prosecutors on instructions from the police personnel who is present in the Court, submitted that police are going to file charge-sheet within 7 days in this case. It is further submitted that all the applicant/accused was in the group of Salar and he was the assailant. The learned prosecutors further relied on the injury certificate and that one person had received serious injury.
6. Perused the FIR. Considering the submissions made by the learned prosecutors and learned counsel for the applicant/accused, the name of the applicant/accused is not

mentioned. The prosecutor is not in a position to show any evidence disclosing specific role attributing applicant/accused. Moreover, out of the 7 injured, one person has sustained severe injury. It is informed that the applicant/accused does not have any criminal record.

7. Thus considering this evidence and the role of the applicant/accused in this offence, I allow this application with following order:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.
- (iii) The applicant/accused shall not associate with the persons from Salar group and shall not commit any offence, especially the offence against the human body.
- (iv) The applicant/accused shall cooperate with the

Investigating Officer and attend the concerned police station on every Wednesday between 01.00 a.m. to 01 p.m till filing of the charge-sheet.

- (v) The applicant/accused shall not jump the bail and shall not leave India without prior permission of the Court.
- (vi) The applicant/accused shall not tamper with the evidence or pressurize the complainant.
- (vii) Upon breach of any of the conditions above, liberty given to prosecution to move application for cancellation of bail.

8. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)