

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

CRIMINAL BAIL APPLICATION NO.158 OF 2018

Parvez Alam @ Mircha Afroj Alam Idrisi ... Applicant.

Versus

The State of Maharashtra ... Respondent.

Mr. R. V. Gupta, Advocate for the Applicant.

Mr. S.S. Hulke, APP for the State.

CORAM : REVATI MOHITE DERE, J.

DATE : MARCH 07, 2018

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. 388 of 2016 registered with the Shivaji Nagar Police Station, Govandi, Mumbai, for the alleged offences punishable under Sections 307, 323, 324, 504 r/w. 34 of the Indian Penal Code.
3. Perused the papers.
4. According to the complainant-Rehman Ramjan Sayyad, the incident took place on 08.09.2016 at about 9.30 p.m. when he was going to the toilet. It is alleged by the complainant that at

that time, the applicant's younger brother – Mushtaq was selling scrap and hence he asked him to separate plastic and bags. He has alleged that pursuant thereto, Mushtaq pushed and abused him and soon thereafter Parvez, the applicant came to the spot. The applicant's father Afroj and uncle Shamshad also came running to the spot. It is alleged that Shamshad assaulted the complainant with a brick on his head and the applicant assaulted him with a sword on his hand. It appears that the complainant subsequently, in the supplementary statement, absolved Shamshad, by stating that he had wrongly mentioned Shamshad's name. A perusal of the injury certificate of the complainant shows that the complainant has sustained an incised injury on his right hand, which is stated to be a simple injury. Investigation is complete and charge-sheet is filed.

5. Considering the peculiar facts of this case, 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. 15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall report to the concerned police station on first Saturday of every month from 10 to 11 a.m. till the conclusion of the trial;

- iii) The Applicant shall not contact the complainant or any other witnesses concerned with the said case;
 - iv) The Applicant shall co-operate in the conduct of the trial;
 - v) An undertaking to the aforesaid clauses (ii), (iii) and (iv) be filed by the Applicant with the Registry of the Trial Court, within two weeks' from the date of his release.
6. The Application is allowed and disposed of in the above terms.
7. It is made clear that the observations made herein are prima facie and are confined to this application and the learned Sessions Judge to decide the case on its own merits, uninfluenced by the observations made herein.
8. All concerned to act on the authenticated copy of this order, duly issued by the Registry of this court.

(REVATI MOHITE DERE, J.)