

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

BAIL APPLICATION NO. 298 OF 2018

Yunus Shahabuddin Ansari

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Ganesh Gole i/b Ateet Shirodkar for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 21th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. I-143 of 2017 registered with Ulhasnagar Police Station, District Thane under Sections 307, 326, 143, 144, 147, 149, 504 read with Section 34 of the Indian Penal Code and under Section 4 and 24 of the Arms Act.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

It is the prosecution case in brief that, there was enmity between Suraj Singh and Sudhir Singh. The Applicant and other accused persons in the present crime are supporters of Sudhir Singh. It is alleged that, on 11.06.2017 at about 8.00 p.m. Sudhir Singh along with Applicant and other accused persons assaulted Suraj Singh and other witnesses with sword, knife, chopper and wooden sticks

and attempted to commit murder of said witnesses. The first information report is lodged by Shri. Santosh Rai on 12.06.2017. During the course of investigation, the Applicant came to be arrested on 12.06.2017 and after completion of investigation, the police have submitted charge-sheet.

3 The record indicates that the first informant has alleged that the Applicant along with other accused were holding swords in their hands and were threatening the people from vicinity, for not coming to the rescue to the injured witnesses. There are four eye witnesses to the incident who have attributed the role of having wooden rods/sticks in the hand of the Applicant. Prima facie, it appears that there is material variance in the statements of two sets of eye witnesses. The record further indicates that there is cross case filed by Sudhir Singh bearing CR No. I-144 of 2017 against the first informant herein and other accused persons.

4 In view of the above, the Applicant can be released on bail.

Hence, the following order:

i) The applicant be released on bail in CR No. I-143 of 2017 registered with Ulhasnagar Police Station, District Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.

- iii) The applicant shall also attend all the dates before the Trial Court.
 - iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- 5 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)