

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2180 OF 2018

Ismail Hamood Khan, Age 21 years,
R/o.Panchshil Nagar Pipeline Vasahat,
Pratiksha Nagar, Sion Koliwada, Sion (East),
Mumbai-400 022, presently lodged at
Arthur Road Central Prison, Mumbai.

Applicant

versus

The State of Maharashtra

Respondents

Mr.Subhash Jha with Harekrishna Mishra I/by Law Global for
applicant.

Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st August 2018

PC :

1. This is an application for bail. The offence is registered vide CR No.131 of 2018 with Kala Chowki Police Station, Mumbai for offences under Sections 186, 279, 336, 353 of Indian Penal Code read with Sections 181, 184, 185 of Motor Vehicles Act.

2. The prosecution case is that the applicant and another person were driving scooter while the applicant was drunk and other person was pillion rider. They hit the scooter on the divider near Vishwavihar Dargah, Char Road, North Boundar, Kala Chowki, due to which both fell down and sustained injuries on different parts of their bodies. The policeman on duty spotted them and took them to hospital. They were taken to police station after treatment and were lodged there.

The applicant started abusing the police and allegedly punched the police personnel. In view of that, an offence was registered, as stated above. The applicant was arrested on the same day i.e. 14th August 2018 and since then he is in custody.

3. Learned advocate for applicant submitted that the alleged incident of assaulting police personnel occurred at the police station subsequently when the applicant was taken to police station from hospital, whereas, other offences alleged against the applicant were bailable in nature and the applicant ought to have been released on bail immediately. The applicant had sustained injuries on account of accident.

4. Learned APP submitted that the conduct of applicant is required to be deprecated. He restrained the police personnel while discharging the duties and went to assault the police personnel. The applicant was drunk beyond permissible limits and, therefore, bail may not be granted.

5. Considering the nature of allegations spelt out in the FIR and also considering the fact that applicant is in custody from 14th August 2018, further detention of the applicant is not necessary. There are no reported criminal antecedents against applicant. In the circumstances the application deserves to be allowed.

6. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2180 of 2018 is allowed and disposed off;

- (ii) The applicant is directed to be released on bail in connection with CR No.131 of 2018 with Kala Chowki Police Station, Mumbai on furnishing PR bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (iii) The applicant is permitted to furnish cash security in the sum of Rs.15,000/- for a period of eight weeks from today;
- (iv) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST