

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

BAIL APPLICATION NO. 2351 OF 2018

Mubin Kamal Dhanse

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Ganesh Gole a/w. Mr. Ritesh Ratnam for the Applicant.
Mr. Rajan Salvi, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 03, 2018.**

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid applicant, who has been arrested in Crime No. 29 of 2018 registered with MIDC, Mahad Police Station for offences under Section 143, 147, 148, 302, 323, 504 r/w. 149 of the Indian Penal Code, 1860 and the other provisions of Bombay Police Act, 1951.
2. Heard Mr. Gole, the learned Counsel for the applicant and Shri Rajan Salvi, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The records prima facie reveal that the aforesaid crime was registered pursuant to the FIR lodged by one Samir Mohiddin Hurjuk, son of the deceased Mohiddin Hurjuk. The FIR prima facie reveals that on 1st May, 2018 at about 10.00 p.m. deceased Mohiddin had gone to the house of Farukh, who was ailing. It is alleged that the deceased was in the courtyard of said Farukh and was enquiring about his health, at which time these two applicants and others assembled in the courtyard and started abusing and assaulting said Mohiddin. The first informant has stated that the applicants and others assaulted him and his father Mohiddin by kicks and blows. It is also alleged that co-accused Taufik strangled him. Said Mohiddin expired as a result of the said incident.

4. The post mortem report prima facie reveals that said Mohiddin had sustained some abrasions and contusions. None of the injuries were of grievous nature. The Medical Officer has opined that death of Mohiddin was due to *“intracranial bleeding secondary to cardiopulmonary arrest secondary to assault”*.

5. The allegations leveled against the present applicant are that he

was involved in assaulting the deceased by kicks and blows. The material on record does not prima facie indicate that he was armed with any weapon or that he had inflicted fatal injury. The other co-accused namely Mubarak Dhanse, Fatima Antulay and four others, against whom similar allegations were leveled have been granted bail by this Court. The applicant is therefore entitled for bail on the ground of parity. Furthermore, investigation is completed, charge sheet has been filed and the presence of the applicant is no longer required for the purpose of interrogation or investigation.

6. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:

- (i) The applicant abovenamed who has been arrested in Crime No. 29 of 2018 registered with MIDC, Mahad Police Station, is ordered to be released on bail on furnishing PR bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer ;

(iv) The applicant shall not interfere with the witnesses or tamper with the evidence in any manner;

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Pradeep
Salgaonkar
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(ANUJA PRABHUDESSAI, J.)