

Anand

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

BAIL APPLICATION NO. 2250 OF 2017

Mohaammed Asif Abdul Hai Khan .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Anjali Awasthi, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 114 of 2017 registered with the Shivajinagar Police Station, Mumbai, for the alleged offences punishable under Sections 307, 323, 504 r/w 34 of the Indian Penal Code and under Sections 4, 25 of the Arms Act.

3. Perused the papers. According to the prosecution, the incident took place on 27.03.2017 at about 10.00 p. m.. It is alleged by the Complainant – Umesh Suresh Shinde, that when he and his friend –

Rahul were chatting near Kapil Vastu Buddhavihar, the Applicant and the other co-accused came to the spot. It is alleged that the Applicant was armed with a sword; and co-accused Rizwan Khan was armed with a knife. It is further alleged by the Complainant that the Applicant disclosed to him that he was a police informer, and that one co-accused assaulted him on his stomach and gave a kick blow on his stomach, as a result of which he fell down. It is further alleged that another accused assaulted him with fist blows and that the Applicant threatened to kill him and attempted to assault him on his head by sword, however, the blow landed on his hand. It is further alleged that all the accused assaulted him and thereafter, fled from the spot. The Injury Certificate of the Complainant – Umesh Shinde shows that he has given history of assault by 5 – 6 persons by sword, knife on legs. The Injury Certificate shows CLW over left forearm. The weapon is stated to be a blunt / sharp weapon and the injury is stated to be simple injury.

4. Learned counsel for the Applicant submits that the Applicant and the Complainant have filed a Petition in this Court for quashing of the aforesaid case. Be that as it may, considering the nature of injury and the fact that investigation is complete and charge-sheet is filed, the Application is allowed and the Applicant is enlarged on bail on

the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 30,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Sunday of every month** between **10:00 a. m. and 12:00 noon** till the conclusion of the trial;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall not enter the jurisdiction of the Shivajinagar Police Station, Mumbai for 12 months except for the purpose of reporting to the police station;
- (v) The Applicant to cooperate in the conduct of the trial;
- (vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v), in the trial Court, within two weeks of his release;
- (vii) If there are two consecutive defaults in appearing before the trial Court or appearing before the investigating officer of the concerned police station, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)