

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

**BAIL APPLICATION NO.2843 OF 2017**

**Ikhlaz Kasam Patel**

**... Applicant**

**V/s.**

**The State of Maharashtra**

**... Respondent**

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Mr. Mateen Shaikh, a/w. Sajid Qureshi for the Applicant.

Mr. A.A. Palkar, APP for the Respondent State.

**CORAM : A.S.GADKARI, J.**

**DATE : 15<sup>th</sup> JANUARY 2018**

**P.C.:**

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.140/2017 dated 11.03.2017 registered with Juhu Police Station, Mumbai under Sections 307, 326, 504, 143, 147, 148, 149 of the Indian Penal Code.

2. The first information report is lodged by Javed Shaikh. It is the prosecution case in brief that, the applicant alongwith other accused-persons due to earlier enmity assaulted the first informant by means of wooden stump and iron on his head, forehead and hands, due to the said assault the first informant sustained grievous injuries. The role attributed to the applicant is that, the applicant assaulted the first informant with an iron rod on forehead as well as hands. It is also alleged that the co-

accused namely Umar Patel assaulted the first informant with wooden stump on his head. During the course of investigation, the applicant came to be arrested on 20.03.2017 and after completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet.

4. The injury certificates issued in favour of the first informant by Dr. R.N.Cooper Municipal General Hospital, Juhu, Mumbai states that, there is CLW on the forehead. There are two CLWs over scalp area and the said injury is grievous in nature. It is to be noted here that, though the first informant has stated that all the accused-persons assaulted with him with wooden stumps and iron rods on various parts of his body, it prima-facie appears that he has suffered the said two injuries and the medical record with respect to the other injuries mentioned in the first informataion report is silent about it. Apart from the said fact, the record indicates that the co-accused Sunil Bodke (A1) has been released on bail by the learned Additional Sessions Judge, Borivali Div., Dindoshi, Mumbai by its Order dated 06.06.2017 and Umar Patel (A2) has been released on bail by this Court by an Order dated 21.11.2017. The role attributed to the applicant is same and/or similar to that as has been attributed to Umar Patel.

5. 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.140/2017 dated 11.03.2017 registered with Juhu Police Station, Mumbai 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 1.00 p.m.
  - (iii) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.
  - (iv) Any two consecutive defaults in complying with the afore stated conditions will attract the provisions of cancellation of bail.
  - (iv) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
6. Application is allowed in the aforesaid terms.
7. All the concerned to act on an authenticated copy of this Order.

**(A.S.GADKARI, J.)**