

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2640 OF 2019

Saddam @ Bhaiya Amir Khan, Age 28 years,
Occ.Business, R/o.At Post Shirwal,
Tal.Khandala, Dist.Satara
(Presently lodged at Jail)

Applicant

versus

The State of Maharashtra

Respondent

Ms.Aneeta K. Katariya with Ms.Smita Kadu i/by Abhay A. Jadhavar
for applicant.

Mr.S.H.Yadav, APP, for State,.

Mr.Hanumant Gaikwad, API, Khandala Police Station, Dist.Satara
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th November 2019

PC :

1. This is an application for bail in CR No.61 of 2019 registered with Shirwal Police Station for offences u/s 143, 147, 148, 149, 341, 307 of Indian Penal Code.

2. It is alleged that on 12th April 2019 the FIR was lodged by the complainant who was reported of newspaper and trustee of Dargah Hajrat Kaman Pir Baba. It is alleged that Munna Shaikh has committed mischief and recorded his name in the 7/12 extract of the property of Dragah, which was objected to by the complainant. Hence he was annoyed and engaged professional assailants to assault the complainant. Four unknown persons assaulted the complainant with knife and ran away from the place of incident. The complainant had sustained several injuries on his person.

3. Police arrested seven assailants. They were identified during test identification parade. On completion of investigation charge sheet is filed. Learned counsel for applicant submitted that there is no evidence against applicant. It is submitted that the applicant was not present at the scene of offence and he was not the actual assailant. The prosecution case against applicant is that he was the conspirator in the crime. He is in custody from 16th July 2019. The other accused are granted bail.

4. Learned APP submitted that the applicant is the mastermind in the crime. The offence is of serious nature. The victim had sustained serious injuries.

5. About five accused are granted bail. The applicant was not the assailant. He was charged for the offence of conspiracy. He is in custody from the date of arrest. It is not disputed that there are no criminal antecedents against applicant. Hence, case for grant of bail is made out. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2640 of 2019 is allowed and disposed of;

(ii) The applicant is directed to be released on bail in connection with CR No.61 of 2019 registered with Shirwal Police Station, Taluka Khandala, District Satara, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report Shirwal Police Station once in a month on every first Saturday between 10 am and 12 noon till further orders;

(iv) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST