

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

CRIMINAL BAIL APPLICATION NO. 206 OF 2019

Rehman Shah Adam Shah Patel

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. Manas N. Gawankar for the applicant.

Mr. Prashant Jadhav, APP for the Respondent-State.

Mr. Sanjay Satpute, API, Dharavi is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 25th JANUARY, 2019.

P.C.

1. Applicant is seeking bail in connection with Cr No.551 of 2018 registered with Dharavi Police Station for the offence punishable under Section 452, 394, 397 read with 34 of Indian Penal Code.

2. Prosecution case is that the complainant is a businessman. He runs a factory of manufacturing bags for NFB Company behind Salman Mithai Shop at 90 feet road, Dharavi. On 17th December, 2018, the employee of the complainant had touched the electric wire accidentally. Due to which the electric supply to the house of one Karim was stalled. Thereafter Karim had verbal fight and

abused Mohd. Adil Ansari. Karim came to the factory alongwith the applicant and co accused Kadar and son in law of Kadar. They assaulted complainant and workmen, by iron rod and bamboo and fist blows. During the assault at the complainant, Karim had allegedly forcibly removed Rs.8000/- from the pocket of the complainant. When the complainant tried to stop, Karim assaulted the complainant with iron rod on his right hand. Applicants were arrested on 18th December, 2018.

3. Co-accused Karim and Kadar were also arrested. They were granted bail by the Court by learned Magistrate vide order dated 19th January, 2019. Role of removing the cash amount of Rs.8000/- has been attributed to Abdul Karim Shaikh. Prosecution could not produce any medical certificate with regards to injuries sustained by the victim. Applicant is in judicial custody. Considering the aforesaid circumstances, bail can be granted to the applicant.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with CR No. 551 of 2018 registered with Dharavi Police Station on furnishing P.R. Bond in the sum of Rs.15,000/- with one or more

sureties in the like amount;

- iii. Applicant is permitted to furnish cash security of Rs.15,000/- for a period of eight weeks;
- iv. Applicant shall not tamper with the prosecution witness;
- v. Criminal Application stands disposed off.

(PRAKASH D. NAIK, J.)