

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

BAIL APPLICATION NO. 489 OF 2019

Rehman Sultan Shaikh	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Debajyoti Talukdar for the Applicant.
Mr. M.G. Patil, A.P.P. for the Respondent – State.

CORAM : P.N. DESHMUKH, J.

DATED : 22nd APRIL, 2019.

P.C. :

1 Heard. One of the accused involved in Crime No.120 of 2018 registered with Samarth Police Station, Pune, for the offence punishable under Sections 307, 504, 143, 147, 148, 149 of I.P.C. along with 37(1) with 135 of Bombay Police Act and Sections 3(25), 4(25) of Arms Act, has filed application for bail.

2 Learned Counsel for applicant contended that apart from parity, applicant is seeking bail on merits as injury alleged to be sustained by complainant is totally in contrast to the role attributed to applicant in the report lodged by injured Shahid Ghodke and as thus, contended that said fact itself falsifies applicant's involvement in the present crime and had prayed for released on bail.

3 Learned A.P.P. opposed the application on the ground that applicant is involved by injured and two eye witnesses. However, admitted that as per eye witnesses statement and also by complainant, applicant is attributed of assault by Koyta however, could not dispute that injured did not sustain any other injury than three CLWs.

4 In the background of submissions advanced as aforesaid, it is alleged in the complaint that on 29.06.2018, applicant one after another committed assault on his head by koyta when applicant was caught hold off by co-accused Aman Mehbood Sadiq, said co-accused are admittedly released on bail along with other female co-accused who in the course of same transaction are alleged to have committed assault to complainant by fist blows and kick blows.

5 Considering the role attributed to applicant as aforesaid and as from the injury reports, there are only lacerated wounds sustained by complainant which are certified as simple injuries, applicant is liable to be released on bail as prima facie contents of report are not corroborated with the injury certificate. Application is, therefore, liable to be allowed on merits as well as on parity with co-accused, hence following order :

ORDER

(i) Applicant shall be released on bail in C.R. No.120 of 2018 registered with Samarth Police Station, Pune, for the offence punishable under Sections 307, 504, 143, 147, 148, 149 of I.P.C. along with 37(1) with 135 of Bombay Police Act and Sections 3(25), 4(25) of Arms Act, on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount;

(ii) While on bail, applicant shall mark his presence with Samarth Police Station, Pune, once in three months on the first day of each such month between 10.00 a.m. to 1.00 p.m. pending trial;

(iii) Application stands disposed of as allowed in above terms.

(P.N. DESHMUKH, J.)