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

CRIMINAL BAIL APPLICATION NO.2046 OF 2018

Sarvare Alam Ali Asgar Ansari	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.Glady Pereira, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

Police Sub-Inspector – R.D.Atigre, Bhiwandi Taluka Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-198 of 2016 registered with the Bhiwandi Taluka Police Station, Thane, for the alleged offences punishable under Sections 302, 452, 427, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicant seeks bail on the ground of parity. She submitted that identically placed co-accused –Maqsood Ahmed Nazir Ahmed Ansari, Bilal Ahmad Ansar Ansari and Akil Amir Ansari, have been enlarged on bail.

4. Learned APP does not dispute the fact that the role of the applicant is similar to that of the co-accused mentioned hereinabove, who have been enlarged on bail.

5. Perused the papers. According to the prosecution, Mehmood Abdul Hamid Hasmi (deceased) entered the house of one Mazhar Ali Abdul Rasid Ansari, to commit theft on 11th September, 2016 at about 3.00 a.m. According to the prosecution, Mazhar Ali woke up due to the hue and cries raised by the people. It is alleged that Mehmood (deceased) started running from the spot and people from the vicinity gathered and chased Mehmood (deceased) and thereafter assaulted him with fist and kick blows. In the said incident, Mehmood (deceased) succumbed to his injuries before he was admitted to the hospital. According to the prosecution, the applicant along with others assaulted Mehmood (deceased). Whether or not

the offence is one under Section 302 or a lesser offence, will be decided by the trial Court. Similarly placed co-accused have been enlarged on bail. The applicant has no antecedents. He is in custody since 2016 and investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.