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

***CRIMINAL BAIL APPLICATION NO.2409 OF 2018***

Mohd. Mohasin Aslam Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

Ms.Ashwini Gaikwad, i/b Mr.Abuqaiser Shabeehahmad Usmani, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 20<sup>th</sup> JUNE, 2019***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the Applicant, aged 23 years seeks his enlargement on bail in connection with C.R.No.259 of 2016 registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 307, 326, 323, 504 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submitted that identically placed co-accused – Fazal and Saddam have been enlarged on bail.

4. Learned APP does not dispute the fact that the role of the applicant is identical to that of co-accused – Fazal and Saddam, who have been enlarged on bail.

5. Perused the papers. The incident is alleged to have taken place on 7<sup>th</sup> July, 2016. In the said incident, the applicant is alleged to have assaulted the First Informant with an iron rod on his jaw; Saddam is alleged to have assaulted the First Informant with a bamboo stick on his abdomen, leg and back, whereas Fazal is alleged to have assaulted the First Informant with a knife on his neck and chin. It appears that there was some dispute as the applicant had got married to Fazal's sister, pursuant to which, the aforesaid incident took place. The applicant is in custody since 2016. Investigation is complete and charge-sheet is filed. Even otherwise, the role of the applicant is identical to that of co-accused – Fazal and Saddam, who have been enlarged on bail.

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.10,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate in the conduct of the trial;
- v) An undertaking to the aforesaid clauses (ii) to (iv), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his

release;

vi) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

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.***