

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3300 OF 2018

1. Asif Abdul Rashid Khan, Age 29 years,
Occ.Nil, R/o.4D/32, Jupiter CHS Ltd;
Naya Nagar Narendra Park, Mira Road,
Thane-401 107.

2. Mohd. Noman Qureshi, Age 26 years,
Occ.Nil, R/o.C-101, Geeta CHS Limited,
Geeta Nagar, Phase-10, Near Lodha
Complex, Mira Road, Thane-401 107.

Applicants

versus

The State of Maharashtra

Respondent

Mr.R.G.Shatalwar I/by Shabnam Shaikh for applicants.

Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th February 2019

PC :

1. The applicants are seeking bail in CR No.396 of 2018 registered with Mira Road Police Station for offences under Sections 353, 332, 504 r/w 34 of Indian Penal Code and under Sections 5,6,7 of Bombay Prohibition Act.

2. The case of prosecution is that the accused were indulging in breach of public peace by standing on public road in front of Little King Grand Bar at Bhairav Residency. The complainant police constable and another policeman reached the spot and tried to give them understanding. The accused were under influence of alcohol and they assaulted police personnel by fist blows. The FIR was registered on 25th November 2018 and on the same day the applicants were arrested.

3. The applicants had preferred application for bail before Sessions Court which has been rejected primarily on the ground that

investigation was in progress. However, subsequently on completion of investigation charge sheet is filed. The co-accused Zuber Faqir Mohammed Shaikh had preferred application for bail before Sessions Court, Thane, which has been allowed vide order dated 28th January 2019. Learned APP submits that Constable Ghubade had suffered blunt trauma. However, it is noted that the applicants are in custody from 25th November 2018. On completing investigation charge sheet is filed and the co-accused who is similarly placed has been granted bail. Hence, case for grant of bail is made out.

4. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3300 of 2018 is allowed and disposed off;
- (ii) The applicants are directed to be released on bail in connection with CR No.396 of 2018 registered with Mira Road Police Station, on their furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report Mira Road Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST