

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

CRIMINAL BAIL APPLICATION NO.527 OF 2020

Bablu @ Usman Mohiddin Almel & Anr. ..Applicants

V/s.

State of Maharashtra ..Respondent

Mr.Kuldeep S. Patil for the Applicants.

Mr.H.J. Dedhia, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

**DATE : 14th OCTOBER 2020
(Through Video Conference)**

PC.

1. The applicants (accused Nos.4 and 5) along with co-accused are facing prosecution for the offence punishable under Section 302, 120B, 504, 506, 427 read with Section 34 of the Indian Penal Code and Section 4 and 27 of the Arms Act.

2. The prosecution case as disclosed from the complaint of Pritam Subhas Buva, who is son of deceased Subhash Buva, is that on 08th June 2019 at about 8.00 p.m. when the complainant along with the deceased and other family members were at their house, the co-accused Rafik Bablu Shaikh made a call on the mobile of the

deceased. It was the deceased who informed the complainant that co-accused Rafik is calling him at HUDCO Colony where another co-accused Imran Shaikh was present. Therefore, the deceased went to HUDCO Colony and in order to see that there is no untoward incident, the complainant and his brother also followed the deceased. When the complainant reached HUDCO Colony he found that the co-accused Rafiq was having an axe and the co-accused Imran was having a Koyta in his hand and deceased was lying in a pool of blood. The deceased was carried to civil hospital at Sangli when he was declared dead.

3. I have heard the learned counsel for the applicants and the learned Additional Public Prosecutor. Perused record.

4. On hearing the learned counsel for the parties, it *prima facie* appears that prior to 08th June 2019 there were two incidents. On 06th June 2019 at 3.00 p.m. when the deceased along with his maternal uncle Sampat Vithoba Buva, were standing in front of the house, it is said that the co-accused Amir came on a motor-cycle and there was some altercation between the deceased and Amir. On 07th June 2019 the complainant was informed by his wife that the front and rear glasses of the Indica Car belonging to the complainant were

broken and when the deceased was in an attempt to lodge a complaint about the said incident to Sanjay Nagar Police Station the co-accused Amir came and accepted that he had damaged the front and rear glasses and also stated that they will make amends and compensate for the damage.

5. Be that as it may insofar as the present applicant is concerned their name neither figures in the incident dated 06th June 2019 nor in respect of the incident dated 07th June 2019. Even so far as material incident dated 08th June 2019 is concerned the complainant has not stated about the presence of the applicants at the spot.

6. The investigation is complete and charge-sheet is filed.

7. The learned Additional Public Prosecutor, submitted, that notwithstanding the filing of the charge-sheet, looking to the previous enmity between the parties and to avoid any further incident and to avoid any attempt to threaten the complainant and other prosecution witnesses, the applicants may be directed to report to the concerned police station.

8. Considering the overall circumstances the following order is passed:-

ORDER

(i) The applicants be released on bail, on executing a PR. Bond in the sum of Rs.25,000/- each, with one or two solvent sureties, each, in the like amount.

(ii) The applicants shall undertake to remain present before the learned Special Judge, during the trial.

(iii) The applicants shall not make any attempt to directly or indirectly contact the complainant or other witnesses and shall not otherwise tamper with the prosecution evidence/witnesses.

(iv) The applicants shall attend Sanjay Nagar Police Station, once in two weeks, on Monday between 11.00 a.m. to 1.00 p.m. The first of such attendance shall be made on 26th October 2020.

(v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(vi) The bail bonds to be furnished before the learned Sessions Judge.

(vii) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.