

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

CRIMINAL BAIL APPLICATION NO. 3044 OF 2019

Imtiyaz Aadam Basha

...Applicant

Versus

The State of Maharashtra

...Respondent

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Ms. Mallika A. Ingale, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. Vijay Mane, Police Inspector, Dharavi Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 19th MARCH, 2020

PC :

1. This is an application for Bail in connection with C.R. No.235 of 2019 registered with Dharavi Police Station for the offences punishable under Sections 307, 326, 324, 141, 142, 143, 144, 146, 147, 148, 149, 120(B) of the Indian Penal Code (for short 'IPC') r/w. Sections 4, 25, 27 of the Arms Act r/w. Sections 142, 37 (i) (a) of the Maharashtra Police Act.

2. The applicant was arrested on 4th June 2019. The case of the prosecution is that, the injured was assaulted on 3rd June 2019 by about 50 persons. 17 persons were arrested and they are in custody.

3. As far as applicant is concerned he has not been named in the FIR. It is contended that the Test Identification Parade was conducted after a period of 40 days of the incident. Supplementary statement was recorded after the Parade was held. No role has been attributed to the applicant.

4. Learned APP submits that the applicant is taxi driver and accused had reached the spot in the taxi of the applicant. No evidence could be pointed out in that regard.

5. Learned APP further submits that there are three cases registered with Shahunagar Police Station, Mumbai against the applicant vide C.R. No. 119 of 2008 for the offence punishable under sections 341, 509, 506, 504 r/w. 34 of IPC & C.R. No. 61 of 2009 for the offence punishable under sections 324, 504 r/w. 34 of IPC & C.R. No. 60 of 2011 for the offence punishable under sections 324, 504 r/w. 34 of IPC.

6. However, considering the facts that there is no strong evidence to establish the involvement of the applicant in crime, there is no impediment to grant bail.

7. Hence, I pass the following order :

ORDER

- i) Bail Application No.3044 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No.235 of 2019 registered with Dharavi Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 am. to 01.00 pm. till further order.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)