

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

BAIL APPLICATION NO. 178 OF 2021

Farhan Raza Rafiullah Ansari ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Misbah Solkar i/b. Mr. Amin Solkar, Advocate for the applicant.
Ms. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd MARCH, 2021

PER COURT:

1. This is an application for bail in C.R. No. 425 of 2020 registered with Dharavi Police Station, Mumbai for the offence punishable under Section 307, 326 read with 34 of Indian Penal Code and Section 37(1)(A), 135 of the Bombay Police Act. The applicant was arrested on 13th October 2020.

2. According to complainant, her brother (injured) came home in an injured condition on 12th October 2020. He had sustained several injuries. He informed the complainant that applicant had assaulted him by weapon by giving blow on abdomen and Abrar assaulted him with knife on back and head.

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3. Investigation is completed and the charge-sheet is filed. The injured had sustained five injuries, two of them grievous and the rest were simple injuries. It is submitted by learned Counsel for the applicant that injuries which can be attributed to the co-accused are simple in nature. The applicant was attributed role of assaulting the injured on abdomen. Injury is of grievous nature. The co-accused has been granted bail. The applicant is in custody for substantial period of time. There are no antecedents against him. Further detention of the applicant is not necessary.

4. Learned APP submitted that the applicant was armed with weapon. Role of assault has been attributed to him. The injured had sustained five injuries.

5. I have perused the F.I.R. The complaint was lodged by the sister of injured. The case of the prosecution is that the accused had assaulted the victim. Role is attributed to the applicant. The applicant is in custody from the date of his arrest. On stringent condition, bail can be granted to the applicant.

6. Hence, I pass the following order:

ORDER

- (i) Criminal Bail Application No. 178 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 425 of 2020 registered with Dharavi Police Station, Mumbai, on executing 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 three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant shall stay out of jurisdiction of Dharavi Police Station till further order.
- (v) The applicant shall furnish the details of his residence to the Investigating Officer after he is released on bail.
- (vi) The applicant shall not approach the injured or any other witnesses. He shall not tamper with the evidence;
- (vii) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)