

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

BAIL APPLICATION NO. 1034 OF 2021

Aftab Aziz Malada

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr.Gaurav Bhawnani i/b.Mr.Khan Abdul Wahab, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MAY 03rd, 2021.

P.C. :

The applicant was arrested on 19th August, 2020 in connection with C.R.No.678 of 2020, registered with Malad Police Station, Mumbai, for the offences punishable under Sections 307, 341, 504 and 506(II) read with 34 of Indian Penal Code (“IPC”. For short).

2 The case of the prosecution is that on 19th August, 2020, at about 15:30 hours, the applicant and the co-accused in furtherance of common intention abused Alfaj Langada. He was assaulted. The applicant was armed with knife and threatened the

injured. The statement of the injured was recorded, which mentions that the applicant has threatened him with knife and the co-accused assaulted him with wooden stick. The injured was admitted in the hospital, and, subsequently, discharged.

3 On perusal of documents on record, it is apparent that the applicants were armed with knife and threatened the injured with the said weapons. The applicant is not involved in assaulting the victim with the said weapons. The victim had suffered head injury. He was discharged from the hospital. The role of assault by wooden log is attributed to the other accused. The investigation is completed and charge - sheet is filed.

4 Learned APP submitted that it was a pre planned attack which was evident from the CCTV footage. The offence is of serious nature.

5 It appears that the injured is the brother-in-law of the applicant. The applicant's sister has initiated proceedings under the Domestic Violence Act against the injured person. It is alleged that the incident had occurred on account of the discord between the applicant's sister and the victim. Considering the role attributed to the applicant, further detention of the applicant is not necessary. There are no criminal antecedents against him.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1034 of 2021, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.678 of 2020, registered with Malad 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) Applicant shall report the concerned police station once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m.;
- (iv) Applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of surety;
- (v) Bail Application No.1034 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)