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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1293 OF 2021

TAJ AHMED SATTAR IBJI

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Arun Rajput a/w Bilal Motiwala i/b Himanshu Shinde for the applicant

Ms. Sharmila S. Kaushik APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 16th NOVEMBER, 2021.

P.C.:

1] After arrest of the applicant on 10/12/2020, he came to be charge-sheeted in C.R. No. 948/2020 registered with Andheri Police Station for Offences punishable under Sections 436 r/w 34 of the Indian Penal Code.

2] Prosecution case against the applicant is, alongwith co-accused, he has set on fire part of the house of the complainant so as

to settle the score.

3] As far as the role attributed to the applicant is concerned, he is shown to be accomplice of the main accused.

4] Prayer of bail is opposed on the ground that there are three antecedents against the applicant.

5] Perused the charge-sheet. The role attributed to the applicant is that of physical presence and not actual participation in the crime in question. But for the statement of complainant, there is no material on record to infer that applicant was present at the time of incident. Even the statement of the complainant that he has seen the applicant at the time of commission offence is not reposing faith, particularly when the incident had occurred at around 3.30 a.m.

6] In that view of the matter, case for grant of bail is made out.

(i) Applicant be released on bail in C.R. No. 948/2020 registered with Andheri Police Station for Offences punishable under Sections 436 r/w 34 of the Indian Penal Code upon furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence the witnesses nor tamper with evidence in any manner.

(iii) Applicant shall remain outside the jurisdiction of concerned police station till charge is framed.

(iv) Applicant, if found involved in any other bodily offence, liberty to prosecution to move for cancellation of bail of the applicant.

7] Application stands disposed of.

[NITIN W. SAMBRE, J.]