

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

CRIMINAL BAIL APPLICATION NO.1995 OF 2021

Mr. Iqbal Kasam Selot @ Irfan @ Kalu	..Applicant
Versus	
State of Maharashtra	..Respondent

Mr. Farooq Sothe i/by Feroz Shaikh, Advocate for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent - State.
Mr. Sandip Shewale, PSI, Dahisar Police Station, Mumbai – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 26th OCTOBER, 2021

PC.

1. On 17th October 2020, applicant came to be arrested in Crime No.1486 of 2020 for the offences punishable under sections, 397, 324, 341, 504, 506, 506(2), 427, 143, 144, 146, 147, 148, 149 of the IPC and under sections 37(1),(a)(c) r/w section 135 of the Maharashtra Police Act and is charge-sheeted.

2. The prosecution case is that the complainant and applicant had certain financial transactions. Differences arose out of the same. The applicant and co-accused damaged the vehicle of the complainant and assaulted him with knife.

3. Bail is sought on the ground that the applicant is behind the bars since 17th October, 2020 and there is no sufficient material

to support the case of the prosecution, particularly medical evidence and other discoveries under section 27 of the Evidence Act.

4. Learned APP opposed the prayer on the ground that there are two antecedents and eye witnesses named the accused with serious overt acts.

5. Considered submissions.

6. As far as the issue of antecedents is concerned, in 2015 the applicant was booked and charged for the offence punishable under sections 323 and 329 of IPC, whereas in 2017 perhaps the offence relates to restraining the public servants from discharging their official duty and threat.

7. As far as the present offence is concerned, though the same is punishable under sections 324 and 504, there is no medical evidence on record to that effect.

8. Apart from above, applicant is already behind the bars for more than one year in the present matter.

9. In the aforesaid background, in my view, the case for grant of bail is made out. Application as such stands allowed.

10. Applicant is directed to be released on bail in Crime No.1486 of 2020 for the offences punishable under sections, 397,

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324, 341, 504, 506, 506(2), 427, 143, 144, 146, 147, 148, 149 of the IPC and under sections 37(1),(a)(c) r/w section 135 of the Maharashtra Police Act upon furnishing P. R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

11. In case, if the applicant is found involved in bodily offence after his release, the prosecution shall be at liberty for cancellation of the bond even in present case.

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[NITIN W. SAMBRE, J.]