

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1375 OF 2020

Firoz @ Babbali Maqbul Khan .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Ms. Misbaah Solkar with Mr. Pratik Karande i/b Mr. Amin Solkar
for the Applicant.

Mr. S.V. Gavand, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 06TH JANUARY, 2021.

P.C:-

1. The Applicant was arrested on 27/06/2020 in connection with C.R. No.608 of 2020 registered with Samarth Police Station, Pune thereby invoking Sections 332, 352, 353, 504, 506 of the IPC, Section 4(25) of the Arms Act, Sections 37(1), 37(3) read with Section 135 of the Bombay Police Act along with Section 7 of the Criminal Amendment Act. Since the date of his arrest, he is incarcerated.

2. The C.R. came to be registered on a complaint filed by one Police Constable Laxman Gaikwad alleging that on 27/06/2020 at about 10.45 hours while he was on patrolling duty, an information was received that the Applicant was in possession of an iron rod and was abusing and threatening the public. It was also informed that he had created a reign of terror and the shop keepers have shutdown their shops. It is also alleged that the Applicant attempted to assault the patrolling party by means of iron rod and when they desisted him from doing so, he fled on a motorcycle. The patrolling party undertook a search and received information that he has again arrived at the same spot and was indulging in the same activity. Again he ran away from the spot and came to be chased and intercepted by the patrolling party. This resulted into registration of the FIR.

3. Perused the FIR and the allegations levelled against the Applicant. *Prima facie*, it can be seen that the Applicant has behaved in an irresponsible manner. The injury certificate of the Informant depicts the injury suffered as abrasion over left side of chest and contusion over back of right thigh (5 cm. X 5 cm.). Further, Sayyad Shaikh and Dattatraya Nalawade were also medically examined and the injury certificate of Sayyad Shaikh includes abrasion over dorsal surface of right hand middle finger and blunt trauma to right hand third finger with localized painful

swelling. All the injuries are classified as simple.

4. Since the investigation is complete and the charge sheet is now filed, taking *prima facie* view of the matter, the long incarceration of the Applicant would not serve any purpose, subject to the stipulation that he would attend the trial on every date when it proceeds and will not tamper with the prosecution witnesses, he is held entitled to be released on bail.

:ORDER:

- (a) The Applicant – Firoz @ Babbali Maqbul Khan shall be released on bail in C.R. No.608 of 2020 registered with Samarth Police Station, District Pune on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicants shall mark his attendance before the Sessions Court where the trial is pending once in

two months and attend to the trial regularly when it proceeds unless exempted by the Trial Court.

5. The Application is allowed in the aforestated terms.
6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

SMT. BHARATI DANGRE, J.