

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

CRIMINAL BAIL APPLICATION NO.2759 OF 2021

Pathan Rahim Khan Anwar Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Azizoddin R. Syed for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 11th OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 538/2020 registered with the Chawni Police Station, Malegaon, Nashik, for the alleged offences punishable under Sections 397 and 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act.

3 Perused the papers. The incident in question has taken place on 8th December 2020. According to the complainant-Anil Jadhav, after

completing his daily work, he and his friend-Nilesh Khaire had gone to Nanavati Petrol Pump to fill petrol at around 8:00 p.m. The complainant has alleged that after filling petrol, while returning home, they stopped near Girna Bridge. It is alleged that thereafter, two unknown persons stopped them, one of them brandished a knife and placed the same near the complainant's neck/throat and took away Rs. 100/- cash and mobile phone of RedMi Company. It is further alleged that the accused assaulted Nilesh and took away his mobile phone of Oppo Company and gave threats to both of them. The accused are stated to have fled from the spot after the incident. In the test identification parade, the applicant has been identified only by the complainant. There is recovery of a knife at the instance of the applicant. The injury certificate shows that the applicant had sustained a simple injury over his head.

4 Learned counsel for the applicant submits that the applicant has no antecedents as such and that the applicant was taken into custody in another case lodged against unknown persons, after his arrest in the present CR. He submits that the applicant has been released on bail in the said C.R. The applicant is in custody since 9th December 2020. Investigation is complete and charge-sheet is filed.

5 Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;
- (v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6 The application is allowed in the aforesaid terms and is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.