

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

BAIL APPLICATION NO. 215 OF 2021

Abdul Rehman Jalal Sayyad

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Amin Solkar a/w. Ms. Misbaah Solkar for the Applicant.

Ms. A.A. Takalkar, APP for the State.

Mr. Shirke, PSI, Bhoiwada Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd APRIL, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is arrested in C.R.No.I-04/2020 registered with Bhoiwada Police Station, Dist. Thane for offence punishable under section 302 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Amin Solkar, learned counsel for the Applicant and Ms. A.A. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Nasim Mohammed Anis Momin,

the brother of the deceased – Nadeem. The first information report as well as the statements of the witnesses namely Wasim Samsuddin Khan and Rashid Ramzan Nirban prima facie indicate that on 08/01/2020 at 1:30 hours, while the deceased and his friends were proceeding towards old Thane by Activa scooter, a motor cycle came from behind and dashed against the Activa scooter as a result the riders and the pillion riders fell down. It is stated that the rider and the pillion rider of the motor cycle abused Nadeem and immediately thereafter one of the persons removed a knife and stabbed Nadeem. The witness – Waseem Samsuddin Khan and Rashid caught hold of the said persons. In the meantime, the person who had accompanied the main accused, ran away from the spot of the incident. Said Nadeem was taken to hospital but he was declared dead.

4. The material on record prima facie reveals that the injury was inflicted by the main accused – Imran Rasool Sayyad. The Applicant had only accompanied the main accused. There is no prima facie material to show that the incident was pre-planned. On the contrary the material on record indicates that the offence was committed in a spur of the moment. The Applicant was arrested on 13/02/2020. It is stated that till date, charge is not framed and considering the large

pendency, the trial is not likely to conclude within the reasonable time.

5. In view of the above facts and circumstances and particularly the nature of accusations and the material in support thereof, the Applicant is entitled for bail. Hence, the Bail Application is allowed on following terms and conditions :-

6. Considering the above facts and circumstances, in my considered view, this is a fit case for grant of bail. Hence, the Bail Application is allowed on following terms and conditions :-

- (i) The Applicant who is arrested in C.R.No.I-04/2020 registered with Bhoiwada Police Station, Dist. Thane is ordered to be released on bail on furnishing bail bonds in the sum of Rs.30,000/- with one or two solvent sureties in the like amount ;
- (ii) The Applicant shall report to Bhoiwada Police Station, Dist. Thane once in two months on every 1st Monday between 11.00 a.m. to 02.00 p.m. until further orders;
- (iii) The Applicant shall not interfere with the complainant and

the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

7. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

Digitally signed by
PREETI H JAYANI
Date: 2022.05.05
11:02:32 +0530