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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO. 519 OF 2022**

|                              |               |
|------------------------------|---------------|
| Tajalam Umar Mohammad Ansari | ...Applicant  |
| Versus                       |               |
| The State of Maharashtra     | ...Respondent |

Mr. Mohammad S. Mulla for the Applicant.

Mrs. M.M.Deshmukh, A.P.P for the Respondent-State.

**CORAM : REVATI MOHITE DERE, J.**  
**DATE : 7<sup>th</sup> JUNE, 2022**

**P.C. :**

1. This is the second bail application preferred by the applicant seeking his enlargement on bail. The first bail application was dismissed as withdrawn vide order dated 7<sup>th</sup> September, 2021.

2. Learned Counsel for the applicant submits that there is no material on record to connect the applicant with the alleged offence. He submits that the prosecution has not brought on record any motive for the applicant to assault the deceased. He further submits that the possibility of the deceased being the perpetrator and the applicant acting in self-defence

also cannot be ruled out, having regard to the peculiar facts of this case. He further submits that the alleged eye-witness i.e. Rajesh Diwekar's statement was recorded after three days of the incident. Learned Counsel submits that the said witness has stated that he had witnessed two persons on 17<sup>th</sup> November, 2019 at around 7.30 to 7.45 p.m. quarreling with each other and that since the said persons were not known to him, he felt that the said persons were quarreling under the influence of alcohol and hence, turned a blind eye to the said quarrel and did not intervene. The said witness has further stated that the Police called him to the Police Station on 20<sup>th</sup> November, 2019 and showed the applicant to him, pursuant to which, he disclosed that he was one amongst the two persons.

3. Admittedly, the police have not held an identification parade. There is no recovery of any weapon at the instance of the applicant. The statement of the alleged eye-witness – Rajesh Diwekar was recorded after three days of the incident, in which, he has stated that he had seen two persons quarreling with each other and that as the said persons were unknown to him, he felt that the said persons were quarreling under the influence of alcohol and hence, did not pay attention to the said quarrel. A perusal of the said statement of Rajesh Diwekar does not reveal that the applicant was seen assaulting the deceased with any weapon. As noted

above, there is no recovery of any weapon at the instance of the applicant. It also appears that the applicant had sustained injuries on both his hands and was advised suturing of the same by the doctor. The prosecution has not brought forth, the motive for the alleged assault by the applicant on the deceased. Investigation is complete and chargesheet is filed. The applicant is in custody since 20<sup>th</sup> November, 2019 and till date, charge has not been framed.

4. Considering the aforesaid, 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. 25,000/- with one solvent surety in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 02:00 p.m. to 03:00 p.m, till 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.

5. The application is accordingly disposed of in the aforesaid terms.

6. 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.
7. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**