

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1387 OF 2022**

Ayub Imam Patel .. Applicant

Versus

The State of Maharashtra .. Respondent

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Ms.Shabnam Shaikh for the Applicant.

Mr.S.H.Yadav, A.P.P. for the State/Respondent.

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**CORAM: BHARATI DANGRE, J.
DATED : 23rd AUGUST, 2022**

P.C:-

1. The applicant is charge-sheeted as accused No.1 for the offence punishable under Section 307 read with Section 34 of IPC and is being tried in Sessions Case No.12 of 2021. He came to be arrested on 05/10/2020, on the basis of the role attributed to him. On completion of investigation, charge-sheet has been filed.

2. Learned counsel for the applicant has relied upon the two orders passed by this Court, releasing the co-accused on bail. One Mohd.Imam Patel was released on bail in anticipation

of his arrest on 01/12/2020 by specifically recording that the applicant has no concern with the quarrel and the injuries suffered by the first informant are simple injuries. As far as co-accused Hasan Imam Patel is concerned, who is alleged to have assaulted the informant by a chopper, is also released on bail on 04/10/2021 (Bail Application No.1179 of 2021), by recording that though he is attributed a role of using weapon i.e. chopper, the nature of injuries suffered are simple.

2. When the injury certificate of the informant is carefully perused it refers to a CLW on parital area of scalp, which is injury of 7 cm x 0.5 cm x 0.5 cm and it is described as simple injury. The medical papers make a reference to surgery and patient was advised for admission, but he refused admission and refusal consent was signed by him and his wife. The other injuries on left arm and back are also classified as simple injuries.

3. In the wake of the above and since the co-accused have been released on bail and the applicant is incarcerated for last more than two years and the investigation being complete, the applicant deserves his release on bail. Further, it is not the case of the prosecution that he has any criminal antecedents or he not likely to face the trial. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Ayub Imam Patel shall be released on bail in connection with C.R.No.450 of 2020 registered with D.N.Nagar Police Station, on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

The applicant shall be released on cash bail of Rs.25,000/- for a period of four weeks in lieu of the sureties and during the said period, he shall arrange for the sureties.

- (c) The applicant shall attend the concerned police station on first Thursday of alternate month between 3.00 p.m. to 5.00 p.m. till framing of charge.

- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)