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

BAIL APPLICATION NO.3489 OF 2021

ASIF IMTIYAZ ANSARI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Amrish R. Salunkhe a/w. Mr. Durgesh Sarfare for the
applicant.

Mr. N. B. Patil, APP for State.

Mr. D. M. Lokhande, PSI, Bhoiwada Police Station, Bhiwandi.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 21, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for bail by the applicant-Asif Imtiyaz Ansari in connection with C.R.No.T-93 of 2020 registered with Bhoiwada Police Station, under Sections 302, 394, 397 read with 34 of the Indian Penal Code.
- 3.** The applicant along with co-accused-Mohammad Afzal Mohammad Aslam Mansoori was arrested on April 20, 2020 in respect of an incident which took place on April, 18, 2020.

4. It is alleged that the applicant along with co-accused Mohammad Afzal Mohammad Aslam Mansoori assaulted the deceased Ajit S. Patel with stones. There are two eye witnesses. The statement of Sheetalaprasad Ramprasad Patel is at page 126. It reveals that the accused assaulted the victim with stones.

5. The post-mortem notes indicates the cause of death due to hypovolemic shock due to head injury and heart and lung puncture due to stab injury on post aspect of chest. The memorandum panchanama in respect of the co-accused Mohammad Afzal Mohammad Aslam Mansoori reveals that a knife was recovered from him. So far as the memorandum panchanama in respect of the applicant is concerned, the same reveals that one iron hand-punch covered with a nylon rope was recovered from him. A Bajaj Pulsar motorcycle was also recovered at his instance.

6. It is an admitted position that no test identification parade was carried out. According to learned APP, due to Covid-19 it could not be held. Though there are eye witnesses to the incident, they say that the accused has

assaulted the deceased with stones. The applicant was arrested on February 24, 2020. The knife injury cannot be attributed to the applicant as iron hand-punch was recovered from him. Considering the nature of the materials against the applicant and in view of the fact that there are no criminal antecedents against him, I am inclined to enlarge the applicant on bail. The charge-sheet is already filed. There is no reason to keep the applicant in custody any further. Hence the following order.

ORDER

- (a) Application is allowed.
- (b) Applicant- Asif Imtiyaz Ansari shall be released on bail in connection with C.R.No.T-93/2020 registered with Bhoiwada Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) 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.
- (d) The applicant shall report to the Investigating Officer on the first Monday of every month.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The application is disposed of.

(M. S. KARNIK, J.)