

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

BAIL APPLICATION NO.3770 OF 2021

Hussain Taj

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mrs. Suvarna Avhad Vast for the Applicant.

Mrs. Rutuja Ambekar, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 2nd MAY, 2022.

P.C.:-

1. This is an application under Section 439 of Cr.P.C. filed by the Applicant, who is facing trial in Sessions Case No.579 of 2021 pending on the file of learned Additional Sessions Judge, Dindoshi, Mumbai, for offences punishable under Sections 143, 144, 147, 147, 212, 307, 323, 324, 326, 504 and 506 (II)r/w 149 of the IPC.

2. Heard Ms Suvarna Avhad, learned counsel for the Applicant and Ms Ambekar, learned APP for Respondent-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 FIR lodged by Mohammad Sayyad. It is the case of the Complainant that he owed some money to his friend Arbaz and that the Applicant herein had told him to return the money of Arbaz. Since the Applicant continued abusing the Complainant despite returning the money, Irfan Shaikh agreed to sort out the differences between them. Accordingly, on 27/05/2021 at 2.30 p.m. he called them near Punjab Dairy, Sanjay Nagar, Malald. The Complainant, the Applicant and their associates/friends came for the settlement talks but instead entered into a brawl.

4. The Complainant has alleged that the Applicant hit him with an iron rod on his head and inflicted an injury on his neck by a knife and the Applicant also assaulted his friend Talib, when he had tried to intervene and prevent the Applicant from assaulting him.

5. The medical record indicates that the injury suffered by Talib is simple in nature. The Complainant had CLW on his neck and fracture on his left little finger. There is no prima facie material to indicate that the injury on the neck was dangerous or was sufficient to cause death in ordinary course of nature. The material on record does not prima facie disclose the essential ingredients of the offence under Section 307 of the IPC. The Applicant is in custody since 02/06/2021. Charge is not yet

framed and considering the large pendency, the trial is not likely to commence within a reasonable time.

6. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) The Applicant who is arrested in Crime No.615 of 2021 registered with Kurar Police Station, Malad, shall be released on cash bail in the sum of Rs.30,000/- for a period of four weeks;
- (ii) During the said period of four weeks, the Applicant shall furnish PR bonds in the sum of Rs.30,000/- with one or two sureties to the like amount;
- (iii) The Applicant shall report to Kurar Police station once in two months on first Monday of the month between 11.00 to 2.00 p.m.
- (iv) The Applicant shall not interfere with the Complainant and/or tamper with the witnesses in any manner;
- (v) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)