

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

BAIL APPLICATION NO.05 OF 2022

Mr. Javed Rafik Ansari	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Kedar Patil a/w. Gargi Joshi, Kusum Pandey &
Jitesh Mundhwa for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 27th APRIL, 2022.

P. C. :-

- . Not on board. Upon mentioning, taken on production board.

2. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who has been arrested in C.R.No.I-798/2021 registered with Tulinj Police Station, Palghar for offences punishable under sections 141, 143, 144, 147, 148, 149, 307, 364, 367, 427, 452, 120-B of the Indian Penal Code and sections 37(1), 135 of Mumbai Police Act.

3. Heard Mr. Kedar Patil, learned counsel for the Applicant and Ms. Veera Shinde, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for

the respective parties.

4. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Amod Sambhajit Mishra, the father of the injured – Ajay Mishra. The records reveal that on 28/01/2021, there was some scuffle between the injured Ajay Mishra and Abhishek Sharma. It was stated that on the same date, at about 11:15 p.m., the Applicant and the other co-accused came near the house of the injured armed with weapons and they assaulted him by blows, kicks, iron rods and threatened to cause his death. The medical certificate reveals that the injuries sustained by the injured are simple in nature. Moreover, no injuries were inflicted on vital parts of the body. Hence, prima facie, there is no material on record to indicate that the Applicant and the other co-accused had assaulted said Ajay Mishra with an intention of causing his death.

5. The Applicant was arrested on 16/09/2021. The investigation is completed and charge sheet has been filed. It is stated that the case is not yet committed to the Court of Sessions. Considering the large pendency, there is no possibility of the trial being concluded within the reasonable period. Considering the above facts and circumstances, the

Applicant is entitled for bail. Hence, the Bail Application is allowed on the following terms and conditions :-

- (i) The Applicant who is arrested in C.R.No.I-798/2021 registered with Tulinj Police Station, Palghar is ordered to be released on cash bail in the sum of Rs.30,000/- for a period of two weeks ;
- (ii) The Applicant shall, within the said period of two weeks, furnish P.R. bonds in the sum of Rs.30,000/- with one or two sureties in the like amount ;
- (iii) The Applicant shall report to Tulinj Police Station, Palghar once in two months on every 1st Monday between 11.00 a.m. to 02.00 p.m. until further orders;
- (iv) The Applicant shall not interfere with the complainant, the injured or 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 ;

- (v) 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.
- (vi) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms.

PREETI
H JAYANI

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by PREETI H
JAYANI
Date: 2022.04.29
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(SMT. ANUJA PRABHUDESSAI, J.)