

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

BAIL APPLICATION NO. 94 OF 2022

Razzak @ Aman Hussain Ramzan ...Applicant
Shaikh

Versus

The State of Maharashtra ...Respondent

...

Mr. Ramanik Pawar a/w. Samiksha Pawar and Mr. Vishal Patel for
the Applicant.

Mr. S.V.Gavand, APP for the State.

Mr. S.D.Patil from Shivaji Nagar P. Stn.

CORAM: ANUJA PRABHUDESSAI, J.

DATED: 21st JULY, 2023.

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P. C. :-

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 688 of 2020, pending on the file of learned Sessions Judge, Gr. Mumbai, arising from C.R.No. 209 of 2020 registered with Shivaji Nagar Police Station, for the offences under Section 141, 143, 144, 147, 148, 188, 269, 302, 307, 506(2) r/w. 149 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions

advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Mohammed Shamsheer Ali Khan. The facts narrated in the FIR prima facie reveal that in the year 2019 the son of Ramzan had made some lewd comments against his wife and there was altercation and quarrel between them over the said issue. The facts narrated in the FIR prima facie reveal that the relations between the first informant and the family of the applicant were strained since the year 2019.

4. It is alleged that on 27.04.2020, there was an altercation between Babu Bisleri and the first informant. It is stated that at about 18.30 hours said Babu Bisleri and his son Amin, the father of the applicant and his three sons, including the applicant herein assaulted the First Informant, Rajjab Ali & Prem Singh with Axe, Sword and 'Sattur'.

5. The records reveal that Rajjab Ali and Prem Singh expired due to the multiple head injuries (chop injuries). The records prima facie reveal that the father of the applicant and the other co-accused were armed with deadly weapons and that they had inflicted injuries on Rajjab Ali and Prem Singh and caused their death.

6. It is to be noted that as on the date of incident the applicant was only 19 years of age. The role attributed to him is that he was present at the place of incident. He was neither armed with any weapon, nor he had inflicted any injury on the deceased or on any other person. In fact, no overt act has been attributed to this applicant. He is in custody since 28.4.2020. It is stated that till date charge has not been framed. Considering the large pendency, there is no possibility of the trial being concluding in the near future.

7. Considering the above facts and circumstances, particularly the role attributed to the Applicant, in my considered view, this is a fit case to exercise discretion under Section 439 of Cr.P.C. Hence, the application is allowed on the following terms and conditions:

- (i) The Applicant -Razzak @ Aman Hussain Ramzan Shaikh, who is facing trial in Sessions Case No. 688 of 2020, pending on the file of learned Sessions Judge, Gr. Mumbai, arising from C.R.No. 209 of 2020 registered with Shivaji Nagar Police Station is ordered to be released on furnishing bail bond in the sum of

Rs.40,000/- (Rupees Forty Thousand Only) with one or two solvent sureties in the like amount;

- (ii) The Applicant shall report to Shivaji Nagar Police Station, once in three months, on the first Monday, till framing of the charge;
- (iii) The Applicant shall attend the hearing before the Session Court on every date, unless exempted.
- (iv) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;
- (v) The Applicant shall keep the Investigating Officer informed of his permanent as well as temporary address, if any, and his contact details, and/or change of residence or mobile details from time to time.

. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)