



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

BAIL APPLICATION NO.210/2023

AARAT MATLEB MULLA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Anil Y. Bansode a/b Adv. Kshitija R. Angane a/w Adv.
Shabnam Shaikh for the applicant.

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

PSI Atmaram T. Kadam, Wadala T.T. Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 30, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 307, 326, 323, 504 read with 34 of the Indian Penal Code registered on 05/11/2021 vide C.R. No.385 of 2021 with Wadala T.T. Police Station, Mumbai.
- 3.** There are 2 accused in all. The applicant is accused

No.2. It is the case of the prosecution that there was some quarrel that took place between the accused No.1 and the brother of the deceased. The accused came to the house of the complainant and assaulted Amit who is the deceased herein. The assault was on the vital part. It is alleged that the accused No.1 who is named in the FIR used a bamboo stick, whereas the person accompanying the accused No.1 (the applicant) used an iron rod.

4. Learned APP opposed the application.

5. The applicant was not named in the FIR. The statement under Section 161 of the Cr.P.C. was recorded on 05/11/2021. No test identification parade is conducted. In the supplementary statement which was recorded on 24/11/2021 i.e. 19 days after the earlier statement, the applicant was named along with accused No.1 as the assailant. There is no recovery at the instance of the present applicant. Both the weapons are recovered at the instance of the accused No.1. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been

filed. In the facts and circumstances of the present case and also considering that the applicant is in custody for more than 1 year and 9 months with no possibility of trial concluding any time soon, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Aarat Matleb Mulla in connection with C.R. No.385 of 2021 registered with Wadala T.T. Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Wadala T.T. police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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.
- (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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Mumbai / Mumbai Suburban district after being released on bail, till the trial concludes.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)