



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

BAIL APPLICATION NO. 301 OF 2023

ABAS @ ABASALI IBRAHIM PATEL ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Viresh Purwant for the Applicant.
Adv. Rupesh A. Zade for the Complainant.
Mr. P. H. Gaikwad, APP for the State.
IO Munnir Mulla, API, Sardar Bazar Police Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 12, 2023

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the complainant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 307, 143, 145, 148, 149, 326, 324, 323, 504 of the Indian Penal Code, Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act registered on 28/05/2022 vide C.R. No.325 of 2022 with Sadar Bazar Police Station, District Solapur.
3. The applicant was arrested on 07/07/2022. The date on which the alleged incident took place is 27/05/2022 at 9.30 p.m. It is alleged that the applicant as well as the co-

accused had swords with them. The applicant and the co-accused assaulted the injured witness with the swords. There is one injury on the head. Informant suffered 7 injuries out of which 2 are grievous in nature.

4. Learned APP opposed the application.

5. Learned counsel for the injured witnesses has filed an affidavit which is taken on record. In the affidavit, it is stated that there is some enmity between the parties and they have decided to end grudges against each other and to maintain cordial relations in view of the business prospects. Learned counsel for the victim submitted that the victim has no objection if the applicant is enlarged on bail.

6. Considering the nature of the accusations, I am not inclined to consider the affidavit filed by the complainant for the purpose of enlarging the applicant on bail. However, it needs to be borne in mind that the applicant has been in custody for more than 13 months with the possibility of trial concluding any time soon appearing remote. There are no criminal antecedents reported against him. Taking an overall view of the matter, in the facts and circumstances of the

present case as the investigation is complete and the charge-sheet has been filed, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant – Abas @ Abasali Ibrahim Patel in connection with C.R. No. 325 of 2022 registered with Sadar Bazar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Sadar Bazar Police Station once in two months, every first Monday of the alternate 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.

7. The application is disposed of.

(M. S. KARNIK, J.)