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

BAIL APPLICATION NO.656 OF 2022

Rahmat Yusuf Pathan ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Raju Suryawanshi, for the Applicant.
Ms. A. A. Takalkar, APP for the State.
Mr. Pandurang S. Sable, API, MFC Police Station, Thane City
present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 1, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. I-518 of 2020 dated 19/10/2020 registered with Mahatma Phule Chowk Police Station for the offence punishable under sections 307, 326, 323, 34 of the Indian Penal Code, 1860 and sections 4 and 25 of the Arms Act.
- 3.** The date of the incident is 18/10/2020. The applicant was arrested on 24/04/2021. The applicant is not the

assailant. One of the assailant has been released on bail. It is alleged that 2 co-accused assaulted the complainant with a sharp edged weapon. It is alleged that the complainant and the present applicant had dispute for several years and therefore the complainant suspected that it is the present applicant who is behind the assault on him. So far as the accusations in the charge-sheet is concerned, the witnesses at page nos. 90 & 94 have stated that they have seen the applicant along with the assailant on the same day 15 minutes prior to the incident. However, they could not overhear the conversation. The applicant is in custody for more than 1 year and 10 months. The trial is likely to take long time to conclude.

4. The investigation is complete. The charge-sheet is filed. There are criminal antecedents reported against the applicant. The applicant has been acquitted in as many as 6 cases which were registered under the various provisions of the IPC including section 302 and under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 .

5. For seeking release on bail and having regard to the

incident, learned counsel for the applicant on instructions submitted that the applicant is willing to reside outside the area of Mumbai and Thane district.

6. Learned APP submitted that the applicant was absconding and ultimately he was arrested on 24/04/2021. It is further submitted that even co-accused-Sanjay Singh who was released on Covid bail is still absconding. Taking an overall view of the matter, the applicant can be enlarged on bail, however, it is necessary to impose stringent conditions. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant -Rahmat Yusuf Pathan in connection with C.R.No.518 of 2020 dated 19/10/2020 registered with Mahatma Phule Chowk Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(c) The statement of the learned counsel for the applicant on instructions that the applicant shall not enter the area of Mumbai and Thane district till the trial is concluded, except for the purpose

of attending the trial and the investigating officer, is accepted.

(d) It is submitted that the applicant will be residing at Raigad district. The applicant to furnish his residential address to the investigating officer and the trial Court while residing at Raigad and shall keep him updated, if there is any change.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(f) The applicant to report to the nearest police station to the place of his residence while at Raigad once in a week on every Sunday, between 11.00 a.m. and 1.00 p.m.

(h) The applicant to report to the investigating officer once in a month on every first Monday of the week commencing from March 2023 between 11.00 a.m. and 1.00 p.m.

7. The application is disposed of.

(M. S. KARNIK, J.)