



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

**BAIL APPLICATION NO. 629 OF 2023
WITH
INTERIM APPLICATION NO. 1325 OF 2023**

NASIR KHAN AYUB KHAN	.. APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Subir Sorkar, for the Applicant.
Mr. M.N. Sandhyanshiv, for Intervener.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 31, 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, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and sections 4 and 25 of the Arms Act registered vide C.R. No.94 of 2022 with Azad Nagar Police Station, Malegaon. The FIR is lodged on 24/07/2022. The applicant is arrested on 09/08/2022.
3. The incident is dated 24/07/2022. It is alleged that as many

as 6 accused over some dispute with deceased Mohammed Ibrahim Samsuddoha assaulted him. The assault was by sword and sticks. From the version of the informant received, the present applicant was armed with wooden stick. The version of the informant states that 4 accused assaulted the deceased. The applicant assaulted the injured witness i.e. informant who tried to intervene.

4. Learned APP while opposing the application for bail invited my attention to the statement of the injured witness wherein it is stated that even the applicant assaulted the deceased with wooden stick. In the supplementary statement recorded on 11/08/2022, the witness has stated that the applicant instigated the other accused to kill the deceased and assaulted the deceased on his head with wooden stick.

5. In the facts and circumstances of the present case, considering that role of assault on deceased is assigned to the present applicant in the supplementary statement. I am inclined to enlarge the applicant on bail.

6. Learned APP submitted that there are criminal antecedents reported against the applicant. However, the nature of the antecedents are not such that the facility of bail needs to be denied to the applicant completely, but stringent conditions need to be

imposed. Learned counsel for the applicant submitted on instructions of the applicant that the applicant is willing to stay out of Malegaon taluka during the pendency of the trial.

7. The applicant is in custody from 24/07/2022 almost for a period of 1 year with no likelihood of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. Considering the role of the applicant and in the facts and circumstances of the present case, the applicant is enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Nasir Khan Ayub Khan in connection with C.R. No. 94 of 2022 registered with Azad Nagar Police Station, Malegaon shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the investigating officer of the Azad Nagar police station, Malegaon once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall reside outside Malegaon taluka

till the conclusion of the trial. Except for the purpose of reporting to the investigating officer and attending the trial, the applicant shall not enter Malegaon taluka till the trial is concluded.

(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.

8. The application is disposed of.

9. In view of disposal of the bail application, interim application also stands disposed of.

(M. S. KARNIK, J.)