

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 813 OF 2022

Vakil Sagir Ramzan Qureshi

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Ms. Afreen Shaikh, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for Respondent-State.
.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th AUGUST 2023

P. C :-

1. By this application, Applicant is seeking bail in Crime No. 507 of 2021 dated 29.06.2021 registered with M.R.A. Marg Police Station, Mumbai for the offences punishable under Sections 302, 307, 143, 144, 147, 148, 149 and 34 of Indian Penal Code, 1860 (for short "IPC") and Sections 37(1) and 135 of Maharashtra Police Act.
2. It is prosecution case that two accused, Ammu and Talla assaulted deceased Sohail with knife. Due to injuries Sohail died while taking treatment in hospital. FIR was lodged on 29.06.2021 at the instance of injured witness Jahid G. Khan .

3. It is the contention of learned Counsel for the Applicant that the name of the Applicant is involved in this crime on supplementary statement of complainant recorded on 07.09.2021 and 10.09.2021 i.e. after a delay of more than two months. The role attributed to the Applicant in the supplementary statement is that, Applicant had assaulted deceased with fist blows. Learned Counsel for the Applicant further submitted that Applicant is of 22 years old and he is the earning member of the family. There is no evidence against the Applicant, hence requested to allow the Application.

4. Learned APP submitted that Test Identification Parade of the Applicant was taken, in which first informant identified the Applicant, it shows his involvement in the crime. Applicant had assaulted the deceased. There is involvement of the Applicant in the crime. If Applicant released on bail, he may threaten the prosecution witnesses and he may abscond and trial may be delayed. Hence, requested to reject the Application.

5. I have heard both the learned Counsel.

6. Perused the FIR and charge-sheet. Admittedly, the name of Applicant was not mentioned in the FIR. After two months of the incident, by way of supplementary statement, Applicant's name was

added in the said crime. From the statement of first informant and other eye witnesses, the role attributed to the Applicant that, he beaten up the deceased with fist blows and he was making commotion there. Applicant is behind the bar for more than two years.

7. Considering the role attributed to the Applicant, I am inclined to release the Applicant on bail.

8. In view of the above, I pass following Order:-

ORDER

- a) Applicant be enlarged on bail in connection with C.R.No. 507 of 2021 registered with M.R.A. Marg Police Station, Mumbai, on executing P.R.Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- b) Applicant shall attend the concerned Police Station once in a month i.e. on every first Monday of the month between 11:00 a.m. to 3:00 p.m. till framing of charge.
- c) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

- d) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. The Application is allowed in the aforesaid terms and is accordingly disposed off.

10. All concerned to act on the authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

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SATISH
KILAJE

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by SONALI
SATISH KILAJE
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