



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

**BAIL APPLICATION NO.787/2023**

NIJAMUDDIN MOINUDDIN @

NIZAMUDDIN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Prashant Pandey a/w Dinesh Jadhvani, Irfan Unawala,  
Ashok Dhanuka i/b W3LEGAL LLP for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

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**CORAM : M. S. KARNIK, J.**

**DATE : AUGUST 25, 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 307 read with 34 of the Indian Penal Code registered vide C.R. No.218 of 2021 with Dahisar Police Station.

**3.** The incident is dated 15/04/2021. My attention is invited to the statement of the witness. It is the prosecution's case that the victim was assaulted on her head by with a steel rod. There are two accused. The applicant is accused No.1. I have perused the medical certificate. In the medical certificate, it is recorded that the

injuries are simple in nature. The MRI which was done shows that one of the injuries is suggestive of a thin sub dural hematoma in the right Parietal lobe which is a serious injury.

**4.** The applicant has been in custody since 15/04/2021 for almost 2 years and 4 months with the possibility of trial commencing and concluding any time soon appears remote. The charge sheet is filed and the investigation is complete. The applicant does not appear to be a flight risk. Considering the accusations and the fact that there are no criminal antecedents reported against the applicant and under the facts and circumstances of the present case, the applicant can be enlarged on bail. Hence, the following order :-

### **ORDER**

(a) The applicant- Nizamuddin Moinuddin @ Nizamuddin in connection with C.R. No. 218 of 2021 registered with Dahisar 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.

(b) The applicant shall not try to establish any contact with the victim.

(c) The applicant shall attend the Investigating Officer of the Dahisar police station once in two months, every first Monday of the alternate month, between 11.00 a.m. and 1.00 p.m. commencing from September 2023.

(d) Except for the purpose of attending the Investigating Officer, the applicant shall not enter the area of Dahisar Police Station, till the conclusion of the trial.

(e) The applicant shall attend the trial regularly.

(f) The applicant shall surrender his passport to the trial Court.

(g) 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.

(h) 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.

**5.** The application is disposed of.

**(M. S. KARNIK, J.)**