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

BAIL APPLICATION NO.2479/2022

ASHFAQ MUNGRU SIDDIQUI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.1133/2022**

AFSAR IRSHAD KHAN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Ali Bubere i/b. Mr. Rajendra Rathod for the applicants.
Mr. N. B. Patil, APP for State.
Mr. Aamir Koradia for the complainant.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2023.

P.C. :

- 1.** Parties have no objection if a common order is passed.
- 2.** These applications are filed for bail in connection with First Information Report (FIR) No. 0643/2020 registered with Shanti Nagar Police Station for the offence punishable under Section 307 read with 34 of the Indian Penal Code, 1860 (hereafter 'IPC' for short) read with Section 3, 25 of the Indian Arms Act read with 37(1), 135 of the

Maharashtra Police Act.

3. The applicant-Ashfaq was arrested on November 24, 2020 and the applicant-Afsar was arrested on November 26, 2020. They are in custody for more than two years and one month.

4. Learned counsel for the complainant appeared and submitted that the incident was an outcome of the misunderstanding and no one suffered any injury in the incident.

5. Learned counsel for the applicants submitted that the applicant-Ashfaq took a gun which was on the person of the accused no.3 and fired at the complainant. The bullet, however, missed and no one was injured.

6. Now, learned counsel for the complainant submitted that there was misunderstanding between the parties and the dispute has been resolved. The investigation is completed and the charge-sheet has been filed.

7. Learned APP submits that there are criminal antecedents against the applicant. The applicant-Ashfaq is booked in three cases under the Arms Act and one case is

registered against the applicant-Afsar under the same Act apart from Section 307 of the IPC.

8. Considering that the applicants are in custody for more than two years and taking an over all view of the matter, the applicants could be released on bail by imposing condition that they shall not reside in the area of Thane District considering the nature of antecedents. Hence the following order.

ORDER

- (a) The applications are allowed.
- (b) The applicant-Ashfaq Mungru Siddiqui in B.A. No.2479/2022 and the applicant-Afsar Irshad Khan in B.A.No.1133/2022 in connection with FIR No. 0643/2020 registered with Shanti Nagar Police Station, shall be released on bail on their furnishing P.R. Bonds of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants shall report to the Investigating Officer of the concerned police station once in a month on every Monday, between 11.00 a.m. and 1.00 p.m.
- (d) The applicants shall not enter the area of Thane District except for the purpose of attending the trial and for reporting to the Investigating Officer.

(e) The applicants 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 applicants shall not tamper with evidence.

(f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

9. The applications are disposed of.

(M. S. KARNIK, J.)