



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

BAIL APPLICATION NO.930/2023

IRFAN GULAM MOHD MULLA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sachin Chandan for the applicant.
Mr. N. B. Patil, 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 307, 323, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 10/10/2022 vide C.R. No.214/2023 with Bazarpeth Police Station, Kalyan.

3. The incident is dated 9/10/2022. There was a quarrel between the applicant and the injured witness. The applicant assaulted the injured witness with a knife on stomach and neck. Thereafter, the informant and his mother

went to intervene in the fight when the applicant assaulted the informant on his thigh, left hand and below the chest. The applicant also assaulted the informant's mother below the chest.

4. Perused the medical certificate. All the injuries are simple in nature. It is pertinent to note that even the group belonging to the applicant has registered FIR against the present informant and others under Section 307 of the IPC. The applicant was injured and he too suffered simple injuries. The allegation is that the group belonging to the informant assaulted the applicant.

5. There are three accused in all. The applicant is the accused no.1. Two of the accused have been released on bail. The applicant was arrested on 30/10/2022.

6. Learned APP while opposing the application for bail submitted that merely because the injuries are simple in nature, is not sufficient to hold that the offence under Section 307 of the IPC is not made out. There is no dispute about this proposition. He further submitted that there are as many as three criminal antecedents reported against the applicant. Two antecedents are of the year 2020 and 2022

for the offence punishable under Section 379 read with 34 of the IPC and other one is of the year 2021 for the offence punishable under Sections 326, 504 read with 34 of the IPC. In my opinion, the nature of antecedents is not such that it should be a ground to deny the applicant the facility of the bail in the facts and circumstances of the present case as stringent conditions can be imposed while granting bail to the accused. The applicant is the neighbour of the informant. The applicant is in custody for more than 10 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant in connection with C.R. No. 214/2023 with Bazarpeth Police Station, Kalyan, shall be released on bail on his furnishing P.R. Bond of Rs.20,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Bazarpeth Police Station, Kalyan, once in a month every first

Monday of the month between 11.00 a.m. and 1.00 p.m.

(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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Bazarpeth Police Station, Kalyan, after being released on bail, till the trial concludes.

7. The application is disposed of.

(M. S. KARNIK, J.)