

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1395 OF 2022

Mehul Harun Ansari

..... Applicant

Versus

The State of Maharashtra and anr.

..... Respondents

Mr. M.P.Mishra, Advocate for Applicant.

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

Mr. C. D. Dalvi, PSI, Malad Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th SEPTEMBER, 2023.

PC. :

1. By this application, applicant is seeking bail in Crime No.107 of 2015 registered with Malad Police Station for offences punishable under Sections 307, 326, 324, 323, 141, 143, 147, 148 and 149 of Indian Penal Code, 1860 read with Section 37(1)(A), 22, 51 and 135 of Bombay Police Act.
2. It is prosecution's case that applicant along with other co-accused had assaulted the uncle of first informant and first informant. They tried to kill the uncle of first informant.
3. It is contention of learned counsel for the applicant that allegation against the applicant is that he assaulted the uncle of first informant with wooden bamboo on his leg. Leg is not an vital part of the body. The other four co-accused have been released on bail, hence, requested to allow the application.

4. It is the contention of learned APP that after the assault applicant had absconded for six years. The materials on record show the involvement of the applicant in the said crime. Applicant had assaulted the injured witness with wooden stick. The said incident is witnessed by eye witnesses. If applicant is released on bail, he may abscond again and trial may be delayed, hence, requested to reject the application.
5. I have heard both learned counsel, perused the F.I.R. and charge-sheet.
6. The allegations against the applicant are that he had assaulted the uncle of the first informant on his leg with wooden stick. The other co-accused have been released on bail. Investigation is completed and charge-sheet has been filed. Considering the above facts, the applicant's further detention is not required.
7. In view of above, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.107 of 2015 registered with Malad Police Station , on executing P. R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till conclusion of the trial.
- (iii) 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.

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

(v) Applicant shall attend the trial regularly.

(vi) Applicant shall not indulge in any crime. If any crime is registered against him in future after release on bail, the prosecution is at liberty to apply for cancellation of bail.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)

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