

SA Pathan

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

BAIL APPLICATION NO. 1174 OF 2023

Anwar Ali Mohammad Ali	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Bhushan U. Deshmukh a/w Mr. Vedant Bende, for
the Applicant.

Mr. Amit A. Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 28, 2023

PC.:

1. This is an Application filed under Section 439 of the Code of Criminal Procedure, 1973, (for short 'Cr.PC.') in connection with C.R. No.47 of 2020 registered with Pawarwadi police station Taluka Malegaon, District Nashik for offences punishable under Sections 307, 324, 323, 143, 146, 147, 148, 149, 504, 506, 188 of the Indian Penal Code (for short 'IPC') and under Section 4, 25 of Arms Act.

2. According to the prosecution on 5 May 2020 at around 9:00 pm, the applicant along with other co-accused came to the informant's house carrying sword and stick. The applicant assaulted informant's brother by sword on his hand resulted into grievous injury. The other co-accused also assaulted the informant. The applicant was arrested on 24 March 2022. The applicant has approached before learned Sessions Judge, for relief under 439 of

Cr.P.C, which has been rejected by order dated 4 August 2022.

3. On perusal of the charge-sheet and injury certificate, it appears the injuries are on hand. Though there is imputation of finger, at this stage, prima facie, it cannot be stated that certainty that there were intention to kill the victim. Moreover, all other co-accused have been released. One of the co-accused was carrying sword at spot of incident and similar role attributed to the applicant has been released on bail. In that view of the matter, hence, following order:

- a) Application is allowed.
- b) The Applicant Anwar Ali Mohammad Ali be released on bail in connection with C.R. No.47 of 2020 registered with Pawarwadi police station Taluka Malegaon, District Nashik for offences punishable under Sections 307, 324, 323, 143, 146, 147, 148, 149, 504, 506, 188 of IPC and under Section 4, 25 of Arms Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- c) The applicant shall mark his presence before the concerned police station on first Saturday of each month between 11:00 am to 2:00 pm till the conclusion of trial.
- d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- e) The applicant shall not obstruct or hamper the police

investigation and not to play mischief with the evidence collected or yet to be collected by the police.

f) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

4. The bail application is stands disposed of. No costs.

(AMIT BORKAR, J.)

Note:- This order is corrected as per order dated 6 July 2023 showing corrections in C.R. number in paragraph 1 and 3(b).