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

BAIL APPLICATION NO.1200 OF 2023

RIZVAN KAMRUDDIN KHAN @ MENTAL ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Manoj R. Gowd a/w Adv. Kavita N. Durgapal i/b. Adv. Zeeshan Khan for the applicant.

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

PSI A. R. Bhosale, Dharavi Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 10, 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, 326, 324, 380, 427, 452, 506(2), 143, 144, 146, 147, 148, 149, 120-B, 109 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 4, 25 of the Arms Act and under Section 37(1)(A), 135 of the Maharashtra Police Act, 1951 registered on 02.10.2021 vide C.R. No.884 of 2021 with Dharavi Police Station.

3. The date of the incident is 02.10.2021. It is alleged that seven accused assaulted the injured witnesses. The applicant is the accused No.1. The applicant was arrested on 03.10.2021.

4. Learned APP apart from opposing the application for bail submitted that there are two criminal antecedents reported against the applicant under Section 326 of the IPC. There is also proceedings initiated against the applicant in the year 2019 under Section 110(e)(g) of the Code of Criminal Procedure.

5. The application is given priority because of the medical condition of the mother of the applicant as she is suffering from heart problem. It was submitted that the applicant is also suffering from TB.

6. The role attributed to the applicant is assault by the iron rod. The nature of the injury suffered by the victim is simple. The applicant is in custody for more than two years. The investigation is complete and the charge-sheet has been filed. The applicant can be enlarged on bail. Having regard to the nature of the antecedents conditions need to

be imposed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Rizvan Kamruddin Khan @ Mental in connection with C.R. No.884 of 2021 registered with Dharavi 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.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Dharavi Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (e) 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.
- (f) 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.

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

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The reports of the applicant's mother appear to be normal. In case the applicant wants to attend his mother he may intimate the Investigating Officer.

7. The application is disposed of.

(M. S. KARNIK, J.)